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ONE STEP AT A TIME: THE DILEMMAS, STRATEGIES, AND OUTCOMES OF
BI-NATIONAL SAME-SEX RELATIONSHIPS DURING DOMA AND BEYOND

by

ALINE JESUS RAFI

Under the Direction of Wendy Simonds, PhD

ABSTRACT

For 17 years, the *Defense of Marriage Act* (DOMA), Public Law 104-199, 110 U.S. Statutes at Large 2419 (1996), prevented same-sex couples from enjoying the same federal benefits granted to heteronormative married couples. Among these benefits, the inability to provide immigration sponsorship for foreign-born spouses was particularly burdensome for bi-national same-sex couples. In this dissertation, marriage inequality serves as the backdrop for an investigation of bi-national same-sex couples' dilemmas, strategies, and ultimate outcomes during and after the Supreme Court's decision to strike down Section 3 of DOMA. With the use of semi-structured interviews, I collected data from 30 individuals in bi-national same-sex relationships who were together before and after the *United States v. Windsor* decision. My intent is to both document their experiences and to advance scholarship in the areas of social inequality and social change.

INDEX WORDS: Same-sex marriage, Immigration, DOMA, Social inequality, Social change

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ALINE JESUS RAFI

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

in the College of Arts and Sciences

Georgia State University

2017

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BI-NATIONAL SAME-SEX RELATIONSHIPS DURING DOMA AND BEYOND

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DEDICATION

I dedicate this dissertation to bi-national same-sex couples everywhere who have endured a myriad of challenges and prejudices as the ultimate demonstration of love, commitment, and perseverance.

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I would like to thank my family and friends for believing in me, and for understanding and supporting my constant desire for knowledge and self-development. Your unwavering acceptance has fed my determination in the face of personal obstacles. I am particularly grateful for the league of extraordinary women I have met along the way who have been my friends, who have served as mentors, and who have been my role models and lifted me, even if indirectly, towards a path of continuous improvement and self-assessment. In particular, this dissertation would not have come to fruition without the support and guidance of my dissertation committee. Dr. Wendy Simonds, my committee chair, who became a dear friend and was a supporting leader to counterbalance my constant self-doubt. Dr. Dawn Baunach, whom I will always see as a statistics superstar, and who have thought me so much; and Dr. Burgess, who always raised essential questions to ensure a well-developed research design and corroborated statements. Finally, I would like to thank the research participants for their willingness and courage to share their experiences that ranged from heartbreak to ultimate triumph.

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1 INTRODUCTION

For many years, married same-sex couples were unable to take advantage of the federal rights granted to heteronormative couples. Among these rights was the ability to sponsor the legal immigration status of foreign-born spouses (Badgett 2009; Chaucey 2004). Consequently, while heteronormative U.S. citizens and legal residents were permitted to petition for an adjustment of immigration status for their foreign spouses, allowing them to remain in the country through legal immigration, residency, and eventual citizenship, the *Defense of Marriage Act* (DOMA), Public Law 104-199, 110 U.S. Statutes at Large 2419 (1996) prevented the same right for U.S. citizens and legal residents in same-sex relationships (Farber 2010; Hrutkay 2010; Mosten 2010; Strodzdas 2011).

The federal government adjudicates a large number of benefits that depend on marital status, including among them, immigration rights. As such, before the Supreme Court repealed section three of DOMA, which restricted the definition of marriage and the term spouse, in their *Unites States v. Windsor* decision (570 U.S. 12-307 [2013]), Federal agencies were required to follow and apply the existing law when considering any federal benefits attached to a marriage certificate (Carter 2013; Herek 2011; Kaplan 2012). Subsequently, same-sex couples who were legally married under their home-state laws were unable to qualify and receive all the financial benefits granted through federally recognized matrimony.

Marriage inequality became a severe barrier to bi-national same-sex unions because according to the *Immigration and Nationality Act*, Public Law 89-236, 79 U.S. Statutes at Large 911(1965), avenues for legal residency and subsequent citizenship were only available to federally recognized marriages. As such, bi-national same-sex families wishing to remain in the United States had few legal options and faced the possibility of limited income opportunities,

long separations, relocations, and deportations (Farber 2010; Lewis 2011). With this discriminatory policy in place, the U.S. government produced and maintained a gender-based, and, until recently, an unacknowledged minority within a minority, which experienced severe challenges and disturbances to their family, financial, and emotional lives.

In addition to the obvious discrimination same-sex couples faced as a result of DOMA, until recently, the bulk of scholarly discussion regarding the challenges of bi-national same-sex couples remained the domain of legal journals (see Farber 2010; Hrutkay 2010; Mosten 2010; Nguyen 2010; Strozdas 2011; Triger 2012). While a legal perspective was essential for understanding and highlighting legal avenues from which to challenge DOMA, legal scholars often failed to provide an in-depth analysis of structural inequality, the reproduction of heteronormative privilege, as well as the account of the personal costs bi-national same-sex couples had to endure. As such, I propose that a sociological account and analysis of the past inequalities and discrimination bi-national same-sex couples endured, the processes that encouraged social mobilization in favor of marriage equality, and the ways in which inequalities remain, provide a critical contribution to advancing the study of social prejudices, inequalities, and social change.

1.1 Purpose of the Study

In this dissertation, I examine the struggles of bi-national same-sex couples in order to uncover the ways in which they navigated and attempted to circumvent social, personal, and legal barriers during the 17 years in which DOMA remained in full effect. This study provides a summary of the history and social mobilization towards marriage equality, and it highlights the attitudinal changes that were instrumental in transforming the social and political landscape of the United States.

Strictly speaking, this research emphasizes the specific dilemmas, strategies, and personal outcomes in the lives of the bi-national same-sex couples I interviewed while highlighting the roles of social stratification and nationality in complicating immigration options that would allow couples to establish one shared household in their country of choice. In essence, I aim to fulfill two broad research goals: 1) to document the negative consequences of social inequality and sex-based discrimination in the lives of bi-national same-sex couples; and 2) to advance the account of the impact of social and cultural change toward marriage equality from the standpoint of this particular minority group.

1.2 Expected Results

My dissertation centers on the premise that the ongoing move toward marriage equality in the United States is indicative of a reduction in social disparities and discrimination. Conventional rules about marriage marginalized a specific group of people while reinforcing a hierarchy of human relationships in which heteronormative marriages remained the preferred and privileged de facto and mostly de jure norm. In addition to limited immigration rights and gender-based inequality, bi-national same-sex couples faced unique challenges compared to the ones U.S. national same-sex couples encountered. I will provide a socio-historical account to document and analyze both past struggles and the persisting obstacles bi-national couples faced before and after the Supreme Court struck down Section 3 of DOMA, which prevented recognition of same-sex marriages at the federal level, as well as its decision on *Obergefell v. Hodges* (576 U.S. 14-556 [2015]), which guaranteed same-sex couples the fundamental right to marry. As part of this account, I also address the changing social attitudes toward marriage equality, explain the social challenges that disrupted the emergence and the development of bi-national same-sex couples as a cohesive interest group in the national discourse, and the

consequences and impact of DOMA in the lives of families who, for years, lived at the margins of both conventional marriage norms and immigration law.

2 LITERATURE REVIEW AND THEORETICAL FRAMEWORK

The enactment of DOMA in 1996 was a reactionary response to regional legislative threats in favor of marriage equality (Adam 2003; Triger 2012; Vick 2009). DOMA officially defined marriage as the legal union between one man and one woman, and the term “spouse” as referring only to a person of the opposite sex¹, and granted states sovereignty in recognizing same-sex marriages officiated in other locales. Consequently, DOMA barred legal recognition of same-sex marriage at the federal level and represented the height of sexuality-based social stratification and segregation (Chauncey 2004; Kaplan 2012; NeJaime 2012). While marriage equality activists and allies emphasized the need for equal human and civil rights for all U.S. citizens, their opposition upheld a belief in the morality and superiority of conventional family values. (Baunach 2011; Baunach 2012; Hrutkay 2010; King and Barlett 2006). By limiting access to marriage, those opposing marriage equality aimed to maintain the privileged social location conventional marriage enjoys (Bailey 2012; Cole et al. 2012; Liebler, Schwartz, and Harper 2009). In effect, the drive to bar same-sex couples from legally marrying reinforced the existence of an unequal hierarchy of human relationships, the persistence of sexual stigma, the denial of access to citizenship for one member of the couple, and the refusal of the full rights of citizenship for the other (Dorf 2011; Herek 2011; Horne, Rostosky, and Riggles, 2011).

¹ In addition to codifying discrimination, DOMA also engendered the notion that sex organs indicate gender identity, and that there are two “opposite” sexes.

In addition to denying marriage recognition for same-sex families at the federal level, DOMA was also harmful because it permitted states the legal basis to reject the legitimacy of same-sex marriages from localities in which it was legal (Chamie and Mirkin, 2011; Hay 2006; Strasser 2009; Vick 2009). State sovereignty meant that couples who married in states or countries where same-sex marriage was allowed continued to struggle for legal recognition in parts of the United States.

While the mobilization for same-sex marriage attained a historic victory in July of 2015 with the Supreme Court decision on *Obergefell v. Hodges*, this victory did not erase the difficulties and inequalities many same-sex couples had to endure. In effect, even after the *Obergefell* decision, same-sex marriage continued to be a polarizing issue in the social and political landscape of the United States. For starters, there have been many examples of backlash against marriage equality and gay rights. Since the *Windsor* and *Obergefell* decisions, there have been many instances of social and policy-related manifestations in opposition to marriage equality that have included service refusal (e.g. refusal to make wedding cakes, serving food, or other services), denial of marriage licenses such as occurred in Arizona and Alabama, and the emergence of religious freedom bills that attempt to frame discrimination as matter of religious liberty (Green 2016; Robertson 2016). Accordingly, the Supreme Court's ruling in *United States v. Windsor* and later on *Obergefell v. Hodges* did not ameliorate social disparities, and disapproval for same-sex families persist. Consequently, social and political mobilization must continue to advocate on behalf of marriage equality and against discrimination, even as it appears that social changes and progressive attitudes slowly become the norm.

Social acceptance and validation of one's romantic relationship and family unit were an important consideration in the argument for same-sex marriage. However, the mobilization for

marriage equality also represented the need and right to gain access to a myriad of life benefits heteronormative couples take for granted, and which served to legitimize marital relationships (Badgett 2011; Herek 2011; Hopkins, Sorensen and Taylor 2013). In effect, according to a report by the U.S. Government Accountability Office (GAO) (2004), before section 3 of DOMA was struck down, 1138 federal rights and privileges depended upon marital status. These rights included among others: tax, insurance, survivor benefits, access to immigration options, and adoption.

Same-sex marriage continues to be the site of a cultural war in which one side argues for human rights while the other sees gay marriage as a threat to the American way of life (Baunach 2011; Cole et al. 2012; Li and Liu 2010; Pan, Meng, and Zhou, 2010). Nevertheless, in order to have a better appreciation of the challenges the marriage equality movement faced during the years DOMA was fully enacted, it is essential to understand the ways in which marriage has changed over time, including previous efforts to challenge and transform this longstanding but evolving institution.

2.1 Conventional Marriage in the United States

Marriage equality, as well as immigration reform, are not new areas of social and political dispute and mobilization. While conservatives may tout the importance and the sanctity of conventional marriage, the argument for tradition goes against a history of constant reform. The institution itself has been the source of several social and legal challenges that have contested many components of what today appears intrinsic to conventional marriage. These areas of dispute have included, among others: establishing unrestricted marriage rights for people of color; maintaining citizenship rights for American women marrying foreigners; challenging

segregationist ideals and laws that prohibited interracial marriages; and expanding legal divorce options (Cole et al. 2012; Coontz 2006; Cott 1998; Cott 2011; Glenn 2002).

The women's movement was instrumental in opposing strict gender roles that compromise equality in heteronormative marriages. Feminist achievements have included, among others: dismantling practices such as coverture, which stripped married women of their individual legal rights upon marriage (e.g. right to income, child custody, the ability to sue or be sued, and the right to own property); encouraging more diverse and equal family systems; and advocating for legal reform to combat violence against women such as domestic violence and marital rape, which was often a legal impossibility until 1993 (Bailey 2012; Chasteen 2001; Coontz 1992; Cott 2011; Fineman 2001).

Uncertainties and fears regarding its role in maintaining social and moral stability were unfounded and an inadequate rationale against marriage equality. Rather, persisting morality-based arguments are reminiscent of restrictive laws that were once in place to prohibit interracial marriage as an effort to prevent miscegenation and maintain racial segregation (Coontz 2006; Cott 2002; Glen 2002). Conversely, Bailey (2012) postulates that the mutable nature of marital traditions and laws provides a concrete historical argument and legal platform in support of marriage equality and lays the foundation for the likelihood of its continuous evolution.

The increasing gains of marriage equality abroad before the *United States v. Windsor*² and *Obergefell v. Hodges*³ further challenged conservative concerns for the demise of traditional

² Before Windsor, the following countries provided full marriage rights for same-sex couples: Netherlands, Belgium, Spain, Canada, South Africa, Norway, Sweden, Portugal, Iceland, Argentina, Denmark, Brazil, and France (Sources: Badgett 2009; Fastenberg 2010; Freedom to Marry, Inc. 2014; Masci, Sciupac and Lipka 2013; and Miks 2013).

³ As of March 2017, the following countries provided full marriage rights for same-sex couples: The Netherlands, Belgium, Spain, Canada, South Africa, Norway, Sweden, Portugal, Iceland, Argentina, Denmark, Brazil, France, Uruguay, New Zealand, England and Wales, Scotland, Luxembourg, Greenland, United States, Ireland, Colombia, and Finland (Sources: Masci, Sciupac and Lipka 2015).

family units. For instance, Badgett (2009), using the Netherlands – the first nation to grant full marriage rights to its citizens in 2001 – as a case study, provided evidence that same-sex marriage neither caused long-term social upheaval, nor disrupted attitudes toward heteronormative marriage. To put it simply, the numbers of conventional unions and their importance and meaning have remained unchanged since the legalization of same-sex marriage in the Netherlands. What is more, there appears to be no evidence to support the notion that same-sex marriage has led to long-term negative consequences in any of the 23 nations, where same-sex marriage was legal as of March of 2017.

2.2 Changing Attitudes Toward Same-Sex Marriage

According to social research findings, social attitudes have changed from broader nationwide disapproval to opposition that is concentrated among specific groups, such as men, African Americans, Republicans, Southerners, senior citizens, people with a high school diploma or less years of education, and those with high religiosity scores (Abrajano 2010; Baunach 2011; Baunach 2012; Baunach, Burgess, and Muse 2010; Lee and Hicks 2011; Lewis 2011; Sherkat et al. 2011). Aggregated results from the Pew Research Center's annual polls indicate that, as of 2016, 55% of U.S. citizens favored same-sex marriage in contrast to 35% who favored it in 2001 (Pew Research Center 2016). While a large number of U.S. citizens continued to oppose same-sex marriage, even after the *Obergefell v. Hodges* decision (Pinsof and Haselton 2016), improving political and social attitudes toward homosexuality, increasingly positive media frames, as well as growing familiarity with sexual minorities, are slowly changing long-standing ideas about marriage and the American family.

2.2.1 Improving political and social attitudes

Attitudinal change is especially evident in the way in which political and social support for same-sex marriage increased through the years. For instance, in 2012, Barack Obama⁴ became the first president to offer official support for marriage equality stating, “that for loving, same-sex couples, the denial of marriage equality means that, in their eyes and the eyes of their children, they are still considered less than full citizens.” His statement of support marked a clear shift in the political environment in the United States. In other words, supporting same-sex marriage was no longer an impediment to a successful political career, but rather a potential strategy to rally support and enhance chances of reelection.

In addition to President Obama’s statement of support, federal support for marriage equality was already apparent as early as 2009, when Secretary of State Hillary Rodham Clinton extended benefits and allowances to same-sex partners of foreign service employees (U.S. State Department 2009), and later in 2011 when Attorney General Eric Holder halted the defense of DOMA in federal challenges (U.S. Department of Justice 2011). Nevertheless, changing attitudes and increasing social support became more evident during the 2012 elections through marriage equality referendums enacted by popular vote in Maine, Maryland, and Washington State, as well as the defeated constitutional ban on same-sex marriage in Minnesota (National Conference of State Legislatures 2012).

Later in 2013, before the Supreme Court’s *United States v. Windsor* decision, an increasing environment of support was also evident in several public statements by prominent political figures, among them President Bill Clinton (2013) who signed DOMA into law, and then-Secretary of State Hillary Rodham Clinton, both of whom released personal statements in

⁴ Obama, Barack, e-mail message to supporters, May 9 2012.

support of marriage equality (Jackson 2013). Finally, amici briefs and reports filed in *United States v. Windsor* and *Hollingsworth v. Perry* (570 U.S. 12-144 [2013]) by professional associations such as the American Bar Association, American Medical Association, American Sociological Association, and the American Academy of Pediatrics (AAP), just to name a few, are further examples of a wave of social support and attitudinal change. The AAP's report was especially noteworthy because it provided evidence to support the emotional and economic benefits children enjoy when raised by two parents, regardless of their gender or sexuality (Perrin and Siegel 2013). Simply stated, according to the AAP's findings, having same-sex parents was not an impediment to children's well-being as supporters of DOMA and Proposition 8, a constitutional amendment in the state of California to ban same-sex marriage often claimed (Isaacson 2010; Joslin 2011).

2.2.2 Media representation

A move toward increasingly progressive views around homosexuality is essential in explaining growing political and social support for marriage equality (Baunach 2011; Baunach 2012; Skipworth et al. 2010). According to Baunach (2011; 2012), mounting liberal opinions can be attributed to individual attitudinal shifts, rather than to large population change, as there has been insufficient time for the type of demographic renewal that would account for the expansion of tolerant attitudes. The more recent and salient positive portrayal of same-sex marriage in the media is one of the likely sources for individual attitudinal change. That is because mass media have the potential to raise awareness about previously hidden issues, while their more current positive frames may have had a socially progressive sway on public opinion (Baunach 2011; Lee and Hicks 2011; Li and Liu 2010; Pan et al. 2010).

Existing media and mobilization discourse around same-sex marriage tend to follow either morality or civil rights master frames (Baunach 2011; Brewer 2002; Hull 2001; Pan et al. 2010). Civil rights ideologies, in particular, repeat themselves in the media, through social events, as well as among individuals who consume these messages in an interactionist process that may reshape attitudes over time, or at least serve as a source for the recruitment of movement adherents and supporters (Baunach 2011; Lee and Hicks 2011; Gamson et al. 1992). As such, the quality of media portrayal is important because media coverage increases exposure and awareness about same-sex relationships and marriage equality, thereby influencing public opinions, political choices, and social policy.

According to Clark (1969), the media representation of minority groups follows four stages: non-representation, ridicule, regulation, and respect. The current media emphasis on civil rights discourse, which can be either accepted or rejected by consumers (Baunach 2011; Li and Liu 2010), appears to represent the respect stage. Moreover, the decriminalization of sodomy laws has decreased perceptions of homosexuality as deviant (Baunach 2011; Chauncey 2004; Kane 2003), which may have paved the way for positive media portrayals of same-sex couples.

Finally, private enterprise has also demonstrated recent support for same-sex marriage. A case in point, before the Supreme Court's *United States v. Windsor* decision, 278 employers, including among them organizations such as Apple, Nike, and the Walt Disney Company, filed a joint amicus brief in support of marriage equality. According to these companies, the legal definition of marriage and spouse was detrimental to employers' ability to maintain employee morale and loyalty because it created an environment that required unequal distribution of benefits. As this example illustrates, the cultural shift in support of same-sex marriage goes

beyond civil rights considerations and encompasses the necessary tools to secure a competitive workforce in support of economic growth.

2.2.3 Familiarity

Familiarity is the idea that increased exposure to same-sex couples may reduce sexual prejudice. Allport's (1954) tenets of contact theory provide the framework to explain familiarity. According to Allport, positive contact and interaction with minority groups serve to reduce negative attitudes and prejudices. While Allport's theory is often associated with racial and ethnic groups, it is also applicable to sexual prejudice (Herek 1988; Herek 2011; Lewis 2011; Skipworth et al. 2010; Smith, Axelton, and Saucier 2009). Simply put, having positive relationships with same-sex couples increases the likelihood of supporting beneficial public policy for gay rights, including among them, marriage equality.

Social research has supported the impact of positive contact in decreasing prejudice. A meta-analysis of social studies on contact theory indicates that the vast majority of findings support the existence of a negative relationship between contact and prejudice (Pettigrew et al. 2011). However, the benefits of contact are not without limitations. In this regard, the quality, length, and context of the interactions are instrumental in facilitating attitudinal change (Allport 1954). Furthermore, Skipworth et al. (2010) suggest that biographical factors such as religious background, culture, and political affiliation constrain the impact of contact. Thus, social context and individual circumstances may limit the impact of positive contact, which becomes insufficient to change attitudes for all occasions in which it occurs.

Nevertheless, the importance of positive contact is expressly relevant to social mobilization activists because increasing familiarity can serve as an outreach strategy to enhance attitudes toward same-sex couples, to recruit engaged allies, and to improve public support

(Harrison and Michelson 2011; Lewis 2011). In essence, by increasing familiarity, activists can attempt to increase issue recognition, make it more relatable, and foster social empathy.

2.3 Bi-national Same-Sex Couples: Dilemmas, Strategies, and Identities

Until recently, amid the mobilization to overturn DOMA, the legal and personal concerns of bi-national same-sex couples remained in the background (Lewis 2011). Nevertheless, an analysis of data from the 2010 American Community Survey (ACS) suggests that before the DOMA decision, almost 40,000 same-sex couples residing in the United States lacked the possibility of immigration recourse otherwise available to different-sex married couples (Konnoth and Gates 2011). Consequently, to remain together, bi-national same-sex couples employed creative strategies to circumvent past immigration policies. According to Donayre (2002), these tactics have included keeping relationships secret when dealing with immigration and consulate employees and attempting to enter and remain in the country through student, work visas, and other immigration options. Beyond the financial benefits legal marriage provides, it also enhances social and psychological stability (Herek 2011). Thus, I posit that because DOMA's definition of legal marriages precluded family-based immigration solutions, it stigmatized bi-national couples' relationships, families, as well as their sense of belonging and citizenship identities.

The conceptualization of citizenship itself has been as disputed as that of marriage. For instance, Anderson (2006) explores the ways in which the idea of nation and nationality emerged gradually from institutions, social changes, and technological advances that have included, at different points, religion, new systems of political organization and information distribution. In addition to increasing sentiments of belonging and creating national boundaries, the emergence of nations and nationalities also enforced a system of segregation in regards to access to

citizenship and social rights therein. Similar to the ways in which gender, race, and social class have been past sources of citizenship exclusion in the United States (Glenn 2002; 2011), forbidding same-sex marriage emerged as a new basis for marginalization and prejudice. In other words, discriminatory practices founded on sexual and gender inequality led to a segregated citizenship, which afforded fewer rights, privileges, and lower quality of life to people at the margins of national identity norms (Badgett 2009; Herek 2011; Riggle and Rostosky 2007; Teunis and Herdt 2007).

2.4 Theoretical Framework

In this study, I aim to provide a historical-sociological account and analysis of the marriage equality movement through the lens of relevant theoretical frameworks. In particular, my intent is to explore the emergence of bi-national same-sex couples as an interest group, the strategies they employed to circumvent social prejudice and structural inequality, and their engagement and mobilization, if any, toward marriage equality. Among the relevant sociological frameworks, I draw mainly from social construction and identity theories. These two theoretical orientations are particularly relevant because they provide strong foundations for exploring and explaining social behaviors and mobilization (Blumer 1946; Polletta and Jasper 2001). Additionally, I rely on an intersectional feminist theory lens as a tool to deconstruct and challenge social oppression and injustice. Intersectional feminist theory is a flexible epistemological approach that is particularly applicable for the exploration of any social locations or institutions that support inequalities and oppression because it provides a platform to challenge dominant ideologies through an emphasis on oppositional knowledge (Collins; 2009; Collins 2012; Zinn 2012). Through an intersectional feminist lens, I rely on personal biographies as a trustworthy source of scholarly data (Collins 2009; Sandoval 2000), thereby providing the

research participants a platform from which to validate their experiences as not only one of oppression, but also of resistance.

2.4.1 Social Construction Theory

According to social construction theory, accepted objective truths are social constructs that are continuously negotiated through social interaction (Berger and Luckmann 1966). Consequently, similar to the ways in which concepts of genders and their expression have been revealed to vary across history and throughout cultures (Lorber 1994; West and Zimmerman 2002), so have ideas about sexuality, family organization, and nationality. Negotiating meaning through social interaction means that the formation of shared social understandings involves an ongoing and multidirectional process of social engagement (Blumer 1969). In other words, repeated social practices habituate shared social meanings. These shared practices and meanings reify and legitimize institutions, which earn recognition as permanent and immutable over time (Bergman and Luckmann 1966).

Nevertheless, institutions are neither stable nor exact, and their evolution follows the same social processes that establish them. As such, a social constructionist approach allows for an exploration of the ways in which social institutions emerge, and how society enacts and eventually modifies them. However, even if socially constructed, social institutions exert control by prescribing social opportunities and limiting the legitimacy of behaviors and identities of individuals at the margins of socially recognized boundaries (Gibbs 1989). Accordingly, the widespread social acceptance and enforcement of heteronormative sexuality, traditional family units, and nationality represented resilient barriers to the marriage equality movement.

While several scholars have addressed the ways in which ideas about LGBTQ issues (see Chauncey 1995; D'Emilio 1988; Faderman 1992; Foucault 1978; Greenberg 1990; Seidman

2004), family and marriage (see Coontz 1992; 2006; Cott 2002; DeVault 1991), and citizenship (see Anderson 2006; Glenn 2002; Glenn 2011) have emerged, been reified, and eventually transformed, I propose that an in-depth exploration of the social construction of bi-national same-sex families and their identities remain sociologically relevant. In particular, social construction theory can provide a foundation to explore how bi-national same-sex couples negotiated their family units in contrast with hegemonic conceptualizations of heteronormative marriage and citizenship.

Finally, social construction theory is an appropriate framework to advance the scholarship on social inequality. That is because it allows for an exploration of the ways in which society establishes and reproduces outdated and oppressive institutions. Accordingly, I will be able to analyze, from my participants' perspective, how society comes to value and devalue certain groups of people over others (i.e. heteronormative vs. same-sex bi-national marriages).

2.4.2 Identity Theory

Identity theory provides another useful platform from which to examine the experiences of bi-national same-sex couples because it allows for an exploration of the ways people invoke particular social behaviors in various situations (Gordon and Gergen 1968). Accordingly, identity theory will provide an appropriate framework to investigate and discuss whether bi-national same-sex couples develop a cohesive group identity, its salience, and how it may have evolved as a catalyst for social mobilization in the face of marriage inequality. In order to apply this theoretical approach, I intend to borrow from both social psychology and new social movement theories.

According to Gordon and Gergen (1968), identities encompass multiple and situated self-meanings that people invoke in different situations. Social psychology literature provides a

useful lens for the analysis of identity formation and social mobilization because it emphasizes how social behavioral responses derive from the definition and negotiation of social and self-situated meanings (Emerson 1973; Stryker and Serpe 1994). In other words, people invoke different identities and related behaviors in accordance with the situations in which they find themselves (Emerson 1973; Hewitt and Stokes 1975; Mills 1940).

I propose that both the inability to marry legally along with social prejudices and inequality presented sufficient impetus for the development and invocation of a cohesive and salient identity among bi-national same-sex couples. This salient identity encompassed consistent behaviors including, but not limited to, seeking other bi-national same-sex couples to share potential situational behaviors and strategies in the hopes of overcoming their difficulties. I suggest that bi-national same-sex couples developed a shared identity that evolved from common apprehensions, thereby increasing their social interactions, resources, and strategy sharing.

New social movement theory attempts to understand social mobilization through an understanding of, among others, identity and culture. While social psychology literature often focuses on collective behavior as unstructured group action, the social movement literature emphasizes purposive behavior leading to organized social mobilizations. For new social movement scholars, the collective identity of social movement members represents the group's interpretation and expression of their boundaries, commonalties, experiences, and goals (Polleta and Jasper 2001; Taylor and Whittier 1992). However, the developmental process of collective identities is highly dependent on social interaction. In effect, social interaction among movement participants, as well as with outsiders, is essential in shaping collective identities (Einwohner 2002; Polleta and Jasper 2001).

A distinct collective identity has an impact on the development of group-specific boundaries, political consciousness, shared norms and values, goals, tactics, and levels of personal engagement (Taylor and Whittier 1992). Consequently, by applying collective identity ideology to the study of bi-national same-sex couples, it would be possible to examine group-specific characteristics and to compare and contrast them with collective identities in other similar mobilizations (i.e. national same-sex couples' identities and immigrant identities). Furthermore, a collective identity lens presents the possibility for a discussion of the ways in which groups negotiate between their private and public modes of being, as well as how their responses to social prejudices and structural inequalities are individualized. (Taylor and Whittier 1992). To put it simply, identity theory, within the scope of social mobilizations, provides support for exploring how the personal can become political in both group and/or individual responses.

In conclusion, by drawing from social psychology and new social movement literatures, I intend to analyze, when appropriate, both individual and group behavior. Moreover, through applying identity theory, I propose to advance the social movement literature, which emphasizes group identity as a catalyst for social mobilization. Finally, through the lens of feminist intersectional theory, I will address the ways in which intersecting social locations provide either advantages or barriers to social opportunities (Moore 2012). In essence, by applying an intersectional approach to my dissertation, I intend to explore how gender, race, class, and nationality converged to affect the experiences of bi-national same-sex couples.

2.5 Research Questions

With social construction, identity theories, and feminist intersectional theories in mind, my dissertation aims to address the following overarching question: "How did bi-national same-

sex couples in the United States navigate the past and ongoing social prejudices and structural inequalities?” As part of this question, I intend to explore: 1) the ways in which the remaining legal discrepancies revolving around same-sex marriage post the *U.S. v. Windsor* decision in different U.S. states continued to engender prejudice and inequality for bi-national same-sex couples; 2) if, when, and the process by which bi-national same-sex couples developed a cohesive identity and its impact on mobilization toward marriage equality in the United States; and 3) the evolving nature of marriage, the progress of social attitudes, and the processes necessary in moving toward social justice.

3 METHODS

I employed a qualitative inductive process to investigate my research questions and uncover the patterns and the complexities in the accounts of the bi-national same-sex couples I interviewed. Qualitative research utilizes non-numerical data and strives for analysis that is rich in nuanced context (Strauss 1987). To this end, I conducted individual semi-structured interviews with 30 spouses (15 couples) in committed bi-national same-sex relationships who were together both while DOMA was in place, as well as after the U.S. Supreme Court’s decision in the *U.S. v. Windsor* on June 26, 2013.

3.1 Recruitment

Because the interviews were set to be conducted using video chat technology, and in order to guarantee that the study information would reach a vast and diverse pool of potential participants, the main recruitment strategy included electronic communication and social media. This approach included electronic flyers, emails, and social media postings to personal contacts and possible gatekeepers such as marriage and immigration equality advocacy organizations. Recruitment for the study commenced soon after IRB approval on January 15, 2015. I posted the

recruitment flyer (see Appendix A) on Facebook, and sent it, along with the recruitment email message (see Appendix B), to friends, acquaintances, and relevant organizations such as *Immigration Equality*⁵ and *The DOMA Project*⁶. My goal was that these recruitment materials would be circulated thereby leading to study volunteers through word-of-mouth. However, while several of my contacts re-posted the recruitment information to their networks, the response was slow and sporadic, resulting in a long and frustrating recruitment process.

This initial recruitment phase led to the recruitment of two couples whose interviews I conducted in February of 2015. These four original participants were very interested in the research and were confident that they would be able to recruit additional participants, which ideally would have initiated a desired snowball sampling. However, while the four original participants sent information about the study to their bi-national same-sex couples' friends and acquaintances, and one of the couples went as far as to connect me directly with the leadership of *Immigration Equality* and *The DOMA Project*, recruitment continued to progress slowly. For this reason, I spent a considerable amount of time and energy on recruitment efforts.

In order to improve recruitment results, I initiated a second recruitment phase in February 2015 by posting the recruitment flyer directly to relevant Facebook groups. These groups included *Immigration Equality*, *The DOMA Project*, and the group *LGBT Immigration Stories*. The combination of the original posting of flyers, referrals by the two first couples, and posting on Facebook groups led me to receive many emails of interest, and I was finally able to recruit two additional couples, whom I interviewed in March of 2015.

⁵ Immigration Equality (immigrationequality.org) is a LGBTQ Immigrant Rights organization. It provides direct legal services and lobbying on behalf of LGBTQ asylum seekers, bi-national couples and families, detainees and undocumented immigrants.

⁶ The DOMA Project (domaproject.org) is a pro-bono program of the law firm Masliah & Soloway, PC. It provides information, free legal services, and referrals for bi-national couples. It also collected and published accounts of bi-national same stories in its website.

In this same month, I contacted my dissertation committee as well as the Sociology department's graduate listserv to request assistance in sharing recruitment information. This third recruitment phase led to six additional interviews for a total of 14 participants by mid-April. At this point, a serious methodological limitation emerged; my sample was mostly women (12 of 14), highly educated, and affluent. For this reason, I initiated a fourth recruitment phase that included re-posting the study information online but also contacting ten immigration attorneys who have worked with bi-national same-sex couples after the *Windsor* decision. During this phase, I emphasized the need for men participants and participants from diverse class backgrounds. This strategy proved to be the most productive, as I was able to recruit three additional couples, and finally have one of these couples refer additional participants, which in turn led to a modest snowball sample and a total of 35 completed interviews by August of 2015.

Nevertheless, while I conducted interviews with 35 participants, it was necessary to remove five accounts from my final sample in order to follow the data collection methodology as approved by the IRB: individual interviews conducted with each spouse. I removed these five interviews for different reasons: during one of the interviews with couple number 15, the spouse who was not the subject of the interview interjected and continued to participate and answer questions, thus compromising the data. In the case of couple number 17, after I had already completed the first interview, the other spouse declined to participate in an individual interview and requested his husband's presence. Finally, one of the spouses from couple number 18 had several professional and travel related conflicts and was unable to fit the interview into his busy schedule.

While recruitment was a challenge, it is important to note that I communicated with many people interested in the study, but whose interest did not convert into interviews for a myriad of

reasons. Some potential participants demonstrated an initial interest in the study but failed to reply to my follow-up emails to schedule interviews. Other possible participants contacted me because they had promised a previous participant that they would be in touch with me, but were ultimately uninterested or unable to commit to an interview. Finally, some of the couples and individuals who contacted me did not qualify as participants. These included potential participants whose spouses were unwilling or unable to participate, individuals who wanted to share their stories and experiences but were no longer in a bi-national relationship, couples who wanted to share their written stories, but who were unwilling to be interviewed, and couples who initiated their relationship after June 26, 2013 and did not meet the criteria to be participants. Nevertheless, the four distinct recruitment phases led to the recruitment of 18 couples and to 35 completed interviews between February 7, 2015, and August 8, 2015.

3.2 Sample

My final sample included 30 spouses (15 couples) in bi-national same-sex relationships who ranged from 26 to 68 years of age. Regarding gender identity, 16 participants or 8 couples (53%) identified as women, and 14 participants or 7 couples (47%) identified as men. While 22 participants (73%) were white, six participants (20%) identified as Hispanic or Latino/a, five participants (17%) as Multiracial, two participants (7%) identified as Asian, and one participant (3%) as Amerindian. The multiracial category is particularly interesting because it represents a much larger percentage than the 2.7% of US citizens who self-identify as such (Jones and Bullock 2012). What is more, the responses for the race category also highlight the limitations of the racial identity options often used in social research that originates in the United States. For instance, the multiracial category in this study includes responses such as *Creole* (Asian, Black, and White), White and Native American, *Mestizo* (Amerindian and White), *Pardo* (Black and

White), and *Cabloco* (Amerindian, Black, and White). These racial self-identifications underscore the challenges of applying American race identity options with research participants who are unfamiliar with the racial classifications and race politics in the United States.

Regarding socio-economic status, while participant's household income ranged from \$25,000 to above \$100,000, there was an over-representation of participants whose household income was above \$100,000 (7 couples). Similarly, there was an over-representation of highly educated participants, with all participants (30) having had attended, at a minimum, some college. While the sample is somewhat homogeneous, it is important to note that the target population, bi-national same-sex couples, limits sample options. Moreover, the participants' nuanced insights about their particular experiences provide authentic, meaningful, and compelling descriptions of their complex situations that deepen our understanding of gender and sexuality-based immigration discrimination and inequality.

In terms of country of birth, the participants represented most continents including North America (15), Latin America (5), South Asia (2), Europe (4), Africa (2), and the Middle East (2). Nationality also varied and included four participants with double citizenships. Table 3.1 below includes demographic data for each participant, while Figure 3.1 on the following page, provides pie charts highlighting the ethnicity, racial identity, age distribution, household income, and educational levels of the participants.

Table 2.1 Participant Demographic Information

Couple	Alias	Age	Region of Origin	Relationship Status	Race	Hispanic or Latino/a	Gender Identity	Education	Household income
Couple 01	Emily	47	United States	Married	White	N	F	Masters	\$50,000 to \$74,999
	Manisha	38	South Asia		Asian	N	F	Masters	
Couple 02	Michael	55	United States	Married	White	N	M	JD	> \$100,000
	Jayron	49	Africa		Multiracial	N	M	PhD	
Couple 03	Olivia	32	United States	Wedding/ Commitment ceremony	White	N	F	Masters	> \$100,000
	Isabella	34	South Africa		White	N	F	Masters	
Couple 04	Samantha	48	United States	Married	Multiracial	N	F	Some college	\$25,000 to \$49,999
	Grace	57	United Kingdom		White	N	F	Some college	
Couple 05	Michelle	39	United States	Married	White	N	F	PhD	> \$100,000
	Hannah	37	Middle East		White	N	F	Masters	
Couple 06	Paige	32	United States	Married	White	N	F	PhD	\$75,000 to \$99,999
	Hailey	35	Western Europe		White	N	F	PhD	
Couple 07	James	42	United States	Married	White	N	M	BA/BS	> \$100,000
	Pablo	50	Latin America		White	Y	M	BA/BS	
Couple 08	Henry	46	United States	Married	White	N	M	PhD	> \$100,000
	Miguel	43	Latin America		Multiracial	Y	M	MA	
Couple 09	Nathan	28	United States	Married	White	N	M	BA/BS	\$25,000 to \$49,999
	Diego	38	Latin America		Native Latin American	Y	M	BA/BS	
Couple 10	Isaiah	26	United States	Married	White	N	M	BA/BS	\$75,000 to \$99,999
	Ricardo	28	Latin America		Multiracial	Y	M	Some college	
Couple 11	Alexis	38	United States	Married	White	N	F	MA	\$50,000 to \$74,999
	Claire	37	Western Europe		White	N	F	Some college	
Couple 12	Andre	34	United States	Married	White	N	M	PhD	> \$100,000
	Jovan	31	Eastern Europe		White	N	M	PhD	
Couple 13	Victoria	57	United States	Married	White	N	F	Some college	\$25,000 to \$49,999
	Ashley	68	North America		White	N	F	BA/BS	
Couple 14	Laura	27	United States	Married	White	Y	F	BA/BS	\$25,000 to \$49,999
	Carolina	32	Latin America		Multiracial	Y	F	Some college	
Couple 15	Elliot	45	United States	Married	White	N	M	Masters	> \$100,000
	Arvin	50	Asia		Asian	N	M	BA/BS	

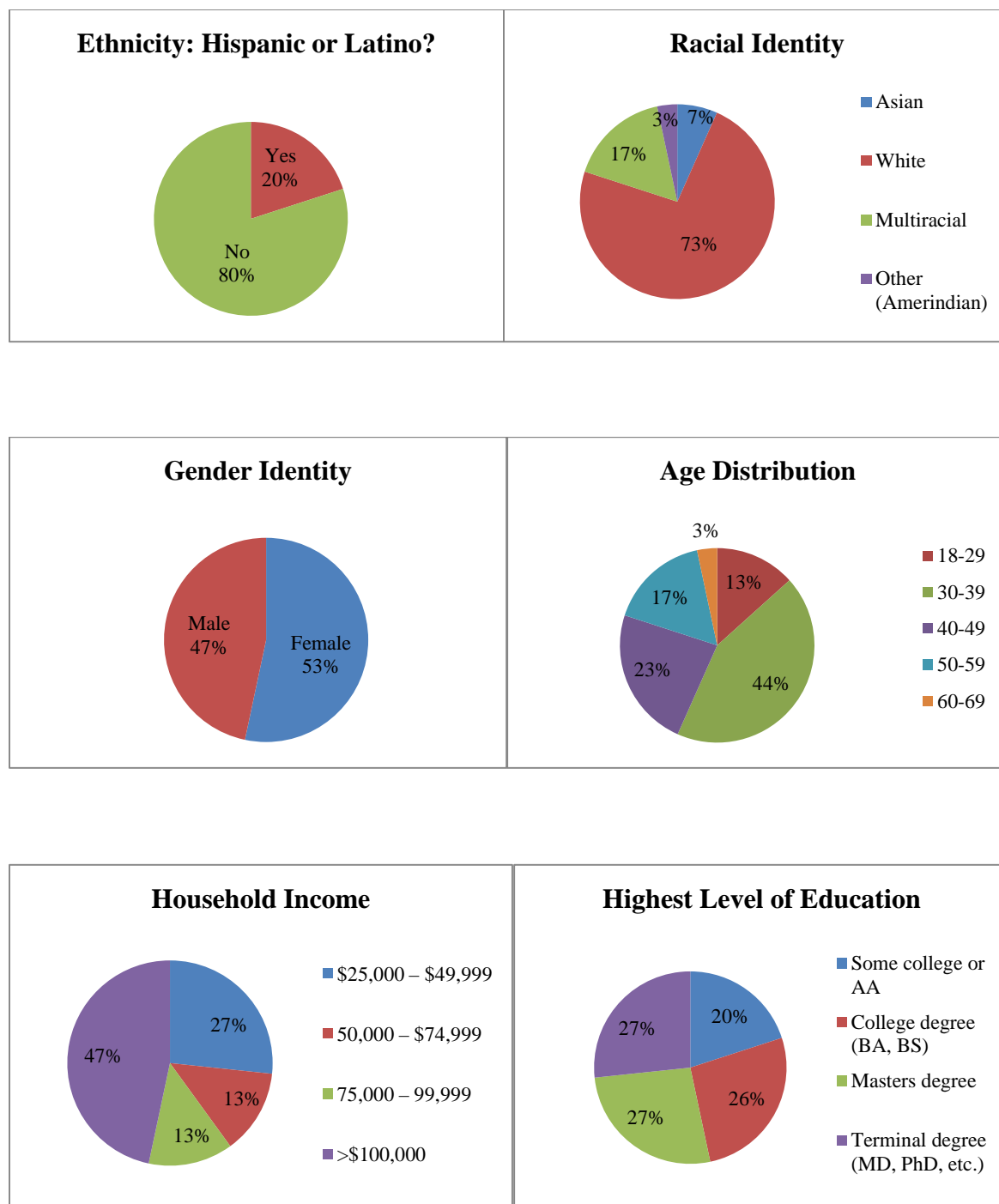


Figure 3.1 Demographic Breakdown

3.3 Data Collection

I conducted 35 semi-structured interviews from February 7, 2015, to August 8, 2015. Semi-structured interviewing or guided conversation is a qualitative approach for the collection of social data that makes use of an interview guide. Rather than using pre-written questions exclusively, the interview guide also includes additional topics and probes that I called upon as appropriate during the interviews (Blee and Taylor 2002; Lofland et al. 2006). Semi-structured interviewing allows for flexibility and the collection of context-rich data because it follows the natural flow of the conversation, rather than relying on a structured and rigid questionnaire that disallows deviation (DeVellis 2012; Lofland et al. 2006). This approach is particularly applicable to my research because it permits the collection of detailed information such as motives, justifications, and expectations. I achieved data saturation after interviewing the first ten couples, and the remaining interviews revealed no additional information (Strauss and Corbin 1998; LaRossa 2005; Drauker 2007). Nevertheless, I continued to recruit participants to meet the minimum sample size as per the approved research proposal, as well as to improve the sample diversity, such as achieving representation of men. Even so, as discussed in the section above, I remained unsuccessful in achieving two other recruitment goals; achieving racial and social economic diversity.

Each interview included one of the spouses in a bi-national same-sex relationship and lasted between 30 to 90 minutes. I interviewed most participants using video chat technology such as Skype and Google chat. However, I also had the opportunity to conduct one in-person interview. Video chat technology was very helpful because it made possible to interview participants residing abroad. What is more, by using video chat, the digital recorder was not a distraction because it remained unseen. Accordingly, this approach had the potential to enhance

participants' information sharing and comfort levels because interviews were able to flow as natural unstructured and undisturbed conversations (Reinharz 1992; Weiss 1994). Finally, while the possibility of technological failure is a pertinent concern when digital technology is a component of data collection (Lincoln and Guba 1985), there were no major technological glitches during the interviews, and minor technical difficulties, such as volume and slow internet connections, were corrected swiftly and without hampering the interview process.

I interviewed each participant once, and I audiotaped interviews using an Olympus digital voice recorder. I uploaded digital files promptly into my research laptop for transcription. In order to maintain confidentiality, I kept all digital recordings and transcripts in a password-protected laptop. I also kept a backup of the files on a flash drive, which I subsequently locked in a safe-box. What is more, I assigned pseudo-names to all participants, and I deleted all recording, transcripts, and notes immediately after analysis. Finally, in order to guarantee a higher level of anonymity for the couples, given the uniqueness of some of the accounts, as well as the smaller population of the country of origin of some of the foreign-born spouses, I decided to describe them as per their region of origin rather than specific countries. Thus, rather than identifying someone as Honduran, for instance, I would discuss this fictional participant as Latin American, while I would identify someone who was potentially from Ghana as originating from the African continent.

3.3.1 Participant selection

Potential participants contacted me via email to inquire about the study as well as to schedule their interviews if they were interested and eligible. During the initial contact, I screened participants for eligibility by asking them three questions: 1) If they were in a committed bi-national same-sex relationship, which started before and lasted past June 26,

2013?; 2) Was the inability to apply for adjustment of immigration status a concern at any point during this relationship?; and 3) Was each of the spouses available to be interviewed separately for approximately 2 hours each. As I discussed above, many interested participants were not eligible to participate in the study. In these situations, I thanked them for their time and interest and asked for potential referrals.

After screening the study volunteers and scheduling interviews, I collected signed consent forms prior to each interview using the electronic signature service RightSignature.com. RightSignature is a paid service, which allows its client to request verified electronic signatures. In order to use this service, I opened a basic account at the cost of \$11.00 dollars a month. This particular usage plan allowed one unique sender to upload and send PDF or Word documents for an unlimited number of signatures. In addition to facilitating the signature process by providing mobile signing capabilities, this application also served as a project manager by sending pending signature reminders and e-mail alerts once participants viewed and signed the consent form. RightSignature was affordable, simple to use, verified the authenticity of the signatures by recording the IP address of each signer and emitting signatures certificates, and facilitated the management of signed and pending signatures. Once I completed recruitment and collected all the necessary signatures, I saved the final signed consent forms to the password protected research laptop and discontinued the RightSignature account.

3.3.2 The interview process

At the beginning of each interview, I explained the interview process, indicating that it should feel like a conversation, as well as the need for the demographic questions. After this introduction, I started the semi-structured component of the interview by asking what they knew about the *U.S. v. Windsor* case and about DOMA. After these two knowledge-based questions, I

continued by asking participants about their relationship and how they met. At this point of the interviews, I followed the lead of the participants and used the interview guide for prompts and to stay on track as needed. Participants provided rich and detailed descriptions of their experiences, and it was often unnecessary to interrupt them with prompts and additional questions. (See Appendix B for interview guide).

3.4 Data Analysis

The data analysis encompassed a rigorous process of identifying, compiling, and synthesizing emerging themes from the interviews. In order to facilitate coding and organize the data, I used Dedoose, a web-based qualitative analysis application, which I will describe in the next section. The main objectives of my research are to illuminate bi-national same-sex couples' perceptions and experiences with past and persisting social obstacles, as well as to uncover patterns around their individual and group organization as participants in the mobilization toward marriage equality. To this end, I used three pre-determined themes, dilemmas, strategies, and identities, as a starting point, and I employed the coding conventions of grounded theory methods (GTM) to analyze these and other unanticipated emerging themes (LaRossa 2005; Strauss 1987). GTM provides a standard guideline for developing theory through the analysis of qualitative data (Glaser and Strauss 1967). Although theory development was beyond the initial goal of this research project, GTM's coding procedures were especially helpful in providing a consistent road map with which to identify recurrent themes and pertinent relationships in bi-national same-sex couples' stories. Thus, through a simplified version of GTM, I focused on identifying, analyzing and presenting emerging themes in the data and their interactions. From the common themes and relationships that emerged during the analysis process, I started to draft a narrative that I believe portrays bi-national same-sex couples' experiences in an honest and

respectful manner. In the following paragraphs, I will provide a description of Dedoose as a qualitative analytical tool, as well as my personal experience with the instrument. Following this introduction of Dedoose, I will continue with an explanation of GTM's coding system, elucidating its individual phases, which include open, axial, and selective coding.

Dedoose is a web-based application for coding and analyzing qualitative data developed by researchers at UCLA (www.dedoose.com). This application allows researchers to save time by making the data, codes, and excerpts searchable and readily available, thus bypassing the need for manual data manipulation. The software is intuitive and user-friendly, and I was able to become a competent user after watching four tutorial videos on YouTube that covered software setup, data upload, and basic analysis. Because Dedoose's servers crashed in 2014, leading to the loss of data and affecting many studies (O'Brien 2014), I saved my work to my research laptop after each Dedoose session to avoid potential loss of data. I did not experience any problems using Dedoose during the analytical process and while writing this dissertation.

3.4.1 Open Coding

Open coding is the first analytical process of ground theory methods (GTM), and it involves reducing the data to its simplest components (LaRossa 2005; Strauss 1987). This process included reading and analyzing all transcripts line by line in Dedoose, and tagging excerpts with codes, notes, questions, and emerging concepts in order to explore the interview's content. In essence, while reading the transcripts, I labeled sections of the interview excerpts – words, sentences, and paragraphs (indicators) as per ideas they conveyed (concepts). Simply stated, I reviewed each line of transcribed responses and wrote detailed commentary, reactions, and insights in order to generate concepts. Throughout this process, I constantly compared indicators among each other to ascertain their contextual similarity, which in turn also helped to

confirm the appropriateness of assigned concepts. Through this initial process, I wrote 257 notes and tagged 195 concepts.

As part of the necessary process of comparing indicators (LaRossa 2005; Strauss 1987), I discarded many of the original concepts for either failing to become fully saturated, or because they denoted similar ideas to other saturated concepts. This elimination process resulted in a total of 57 concepts and sub-concepts that were saturated with indicators from more than 15 (50%) participants. Table 3.2 on pages 33 to 35 includes a list of the concepts and sub-codes along with the appropriate dimensions associated with each one of them. The dimension associated with each concept is the idea it encapsulates. For instance, the concept “immigration burden” reflects the negative consequences of immigration rules, while “living arrangements” aims to capture the process by which couples negotiated and decided on living locations. Appendix F provides a graphic representation and examples of the open-coding process for these two concepts.

In addition to the open coding process, I also wrote memos that included detailed commentary, questions, reactions, insights, variable elaboration and mapping, and preliminary theoretical development. This *memoing* continued throughout the analytical process and provided a platform for a deeper exploration of the data, and for experimentation with the emerging relationships between concepts and variables. Thus, writing memos was an indispensable component of the analysis, as it served as a guiding map to keep the analysis on track. In addition to emerging concepts, through a process of constant comparison and through the merging of concepts, I was able to hone on nine core concepts, which were the emphasis of the second coding phase: Axial coding.

Table 3.2 Open Coding Concepts, Sub Codes, and Dimensions

Concept	Dimension
Friendship before relationship	Development of the relationship
Met Online	How spouses met
Met Through Work	How spouses met
Met at School	How spouses met
Met at event/party	How spouses met
Met through Friends	How spouses met
Social Mobilization	Social mobilization apart from marriage equality efforts
Knowledge	As it relates to the existing laws and legal challenges (immigration, marriage, etc.)
Broad Knowledge	As it relates to the existing laws and legal challenges (immigration, marriage, etc.)
Detailed Knowledge	As it relates to the existing laws and legal challenges (immigration, marriage, etc.)
Ignorance	As it relates to the existing laws and legal challenges (immigration, marriage, etc.)
Social Norm/Structure	The impact of social norms and social structures
Unequal Treatment	Societal considerations/realities
Prejudice	Societal considerations/realities
Ignorance of Bystanders	Societal considerations/realities
Privilege	Privileged social position
Meaning of Marriage	The social context and importance of marriage for the lives of the respondents
Dilemmas and Threats	The set of considerations and issues threatening or stressing the relationship
Financial Burden	Financial dilemma as a consequence of the immigration rules
Immigration Burden	Legal dilemma as a consequence of the immigration rules
Visa Denied	Negative outcome of immigration restrictions
Out of Options	Feeling out of options
Difficult Life Abroad	Burden of living abroad
Personal Considerations	Special considerations about family, future, career, education, etc.
Career	Career dilemmas, threats, and considerations as a result of the bi-national relationship
Culture Shock	Personal considerations/outcomes as a result of the bi-national relationship
Education	The impact of education, or educational choices
Strategies	Strategy to overcome immigration restrictions
Coping Strategies	Strategy to overcome immigration restrictions
Hopefulness	Positive outcome

Planning	Strategy to overcome immigration restrictions
Sense of bi-national Community	The extent to which there was a sense or presence of a mobilized bi-national community
Support System	The extent to which couples had/sought a community of care to provide emotional and financial support, and a buffer from adverse reactions such as family and friends
Privilege Awareness	Being aware of how personal privileged social position or situation mitigated personal situation
Immigration strategies	Strategy to overcome immigration restrictions
Marriage Decision	Strategy to overcome immigration restrictions/ why the spouses decided to get married
Law-Abiding	Emphasis on abiding by immigration restrictions as a strategy
Living arrangements	Strategy to overcome immigration restrictions
Undocumented	Strategy to overcome immigration restrictions
Living Abroad	Strategy to overcome immigration restrictions
Long Distance Relationship	Strategy to overcome immigration restrictions/ Negative outcome of immigration restrictions
Outcomes	Results of dilemmas and strategies
Elation	Positive outcome
Federal/Legal endorsement	Positive outcome
Relief	Positive outcome
Hopefulness	As a source of resilience to overcome dilemmas and threats
Commitment	The extent to which the spouses felt committed to the relationship and the consequences of their commitment
Fear	Negative outcome
Anger/National Belonging	Negative outcome
Frustration/Stress	Negative outcome
Stigma	Negative outcome
Hopelessness	Negative outcome of immigration concerns leading to feelings of depression, guilt
Vulnerability	Negative outcome of immigration restrictions
Future	Individual input on the future of marriage equality and LGBT rights
Equality	Future concerns/ Future of LGBT rights
Parental Rights	Future concerns/ Future of LGBT rights
Prejudice	Adverse reactions and unequal treatment

3.4.2 *Axial coding*

Axial coding followed the open coding process and provided an opportunity for more in-depth analysis of the data. Nevertheless, axial coding is not a distinct and independent analytical process from open-coding, but rather a concurring practice that continues throughout the analytical process. As part of this phase, I explored nine core concepts by experimenting with emerging relationships between them through a process of constant comparison (Strauss 1987). To clarify, it was during the axial coding phase that I moved beyond mere description and labeling of concepts to an elaboration of potential relationships between them. During this process, I focused on recurrent themes that addressed the ways in which bi-national same-sex couples perceived, experienced, and engaged with the existing social barriers and opportunities that were in place before the Supreme Court repealed section three of DOMA. To put it simply, during axial coding I inquired into the causes, conditions and consequences of the core concepts as emerging variables while also posing questions to clarify possible relationships among them in order to identify and analyze “the when, where, why,” (LaRossa 2005:847) of the testimonies I collected. For instance, I explored the relationship between the impact of financial resources (financial burden) on selected strategies to bypass immigration, as well as the relationship between the impact of immigration burden and the respondent’s decision to participate or avoid social mobilization.

Because axial coding demands extensive individual analysis of variables, it was essential to focus on highly saturated concepts, which I selected by employing Dedoose analytical options. Dedoose allows the researcher to filter data for the number of times a code is present in the data set, as well as for the number of indicators attached to each concept. Accordingly, the concept “immigration burden” emerged in all interviews (30) and had 250 indicators. On the other hand,

“parental rights,” emerged in four interviews, and were connected with only five indicators. As such, I focused on those variables that were present in more than 15 (50%) interviews, and that had a considerable number of indicators. Through this process of matching for presence and indicator frequency, the following nine variables emerged as highly saturated: social mobilization, knowledge, unequal treatment, prejudice, financial burden, immigration burden, personal considerations, strategies, and outcomes. As part of the axial coding process, I followed LaRossa’s (2005) GTM analytical guidelines closely by inquiring about the variables’ causes, contexts, contingencies, covariances, and conditions. These questions, which are also known as the 6C’s, along with examples of the memos for each of them, are included in appendix F.

3.4.3 Selective coding

Selective coding is the final analytical phase, and it allowed me to identify theoretically saturated variables that both serve as the nexus for all other variables and advance the data-driven story (Strauss 1987). Ultimately, through constant comparisons of concepts and indicators, and by reviewing my notes, it was apparent that the vast majority of concepts could be collapsed into three main variables: dilemmas, strategies, and outcomes. In effect, these three variables presented a recurring and saturated narrative of the couples’ stories and experiences, which I will discuss in detail in chapters five, six, and, seven.

Among these three variables, dilemmas emerged as the guiding force as it appeared to interact with all other variables in the emerging story line. In other words, dilemmas acted as the core variable that interacted with all the other variables in the model and guided the ways in which the couples presented their particular narratives including their expectations, decision-making process, and social engagement choices. Simply put, “dilemmas” is the core variable because it not only occurs frequently, but it has a relationship to all other variables (Strauss

1987). Dedoose was once again instrumental in this analytical phase because it provided descriptive data in the identification of the presence and the number of indicators for each variable. The three central variables, dilemmas, strategies, and outcomes were present in all interviews and had 465, 302, and 258 indicators respectively. Appendix F includes notes and memos on each of these three variables, their graphic depiction including interactions, as well as the highly saturated sub-concepts that inform them.

With Dilemmas as the core variable, my principal narrative centers around how bi-national couples understood and responded to the previous immigration rules that limited their legal residency and relationship options. I will present the different ways in which the participants conceptualized and responded to their situations, how these situations guided their strategies to address the threats to their relationships and their ways of living, and finally, the positive and adverse outcomes they experienced.

3.5 Limitations

There are several limitations to this study. While there is some diversity in my sample, I was unable to recruit a sample as diverse as I intended. The sample was 73% white; all participants had at least some college education, and 76% of the sample made \$50,000 or above a year. The limitations of my sample are a possible consequence of my sampling parameters requiring couples who were together before and after the *U.S. v. Windsor* decision. This methodological requirement most likely eliminated couples, who due to geographic location, education, income levels, etc., were unable to overcome the dilemmas that emerged as a result of being in a bi-national same-sex relationship. In other words, this dissertation is only able to present the narratives of couples who had sufficient resources, options, and/or successful strategies to overcome immigration constraints. What is more, the study's recruitment strategy,

with its reliance on online recruitment and interviews, complicated the recruitment of an economically diverse group of participants. That is because lower-income participants are less likely to have reliable internet access that could support video chat (Robinson et al. 2015), and library internet access or other public internet options would be unable to provide the privacy necessary for participation.

In summary, I did not interview people whose relationships failed, (perhaps in part because of DOMA), and I can only present findings that represent input from relationships that thrived despite the adversities they encountered. Therefore, it would be illuminating to hear from people who were in bi-national relationships before the Windsor decision, but to whom the decision came too late. Including these additional perspectives would have enabled comparisons of the reasons why DOMA may have served as an insurmountable threat for some couples and not others. Finally, this research is not longitudinal, and thus I can only present findings from one particular point in time. While I speculate, I do not investigate the outcome of additional threats that have emerged since the *U.S. v. Windsor* decision.

3.6 Overview of Dissertation

In this dissertation, I aim to respectfully and accurately depict the experiences of bi-national same-sex couples during a time when spouse-sponsored immigration was impossible. Having faced this tremendous dilemma, spouses often had challenging and conflicting choices to make, which led to both desired and undesired outcomes. While I describe a story of struggle, emotional suffering, and resignation, my findings are a testament to the power of unity, perseverance, and commitment in the face of adversity.

In chapter 4, “The Bi-national Same-Sex Relationship,” I lay the foundation of the dissertation by providing the background of the bi-national relationships that inform this study. I

present the characteristics and social framework of the bi-national relationships I investigated, and shed light on the resources that had to be in place to support the success of these relationships. To this end, I introduce the common thread in the stories of the relationships I investigated by discussing what brought these couples together; the emergence of bi-nationality as a possible threat; the social contexts that informed their relationships; and how their personal biographies guided them to navigate their situations. In chapter 5, “Dilemmas,” I focus on how the couples’ bi-nationality became a source of threat to the relationship. I discuss the dilemmas the couples faced, their immediate consequences, and how they conceptualized these dilemmas within a wider social context of heteronormative social expectations and behaviors. In chapter 6, “Strategies,” I present the couples’ strategies in response to the dilemmas and threats, while in chapter 7, “Outcomes” I emphasize the results of these strategies. Finally, in chapter 8, “Implications and Conclusions,” I conclude the dissertation with a summary and discussion of my findings, as well as with a discussion of implications for the future of LGBTQ rights and social mobilization studies.

4 THE BI-NATIONAL SAME-SEX RELATIONSHIP

In this chapter, I introduce the commonalities that define the participants’ unions, as well as the social context in which their relationships blossomed. During the interviews, the spouses were often both nostalgic and timid about telling their stories. Looking back, they were able to discuss the outset of their relationships with joy, wonder, as well as surprise, that they were able to overcome immigration challenges and their consequences. They commonly described their relationship origins as a “boring” or “typical love story,” in which two people meet, become friends, fall in love, and, against all the odds, try their best to make their relationships work.

While each relationship was unique, and the sample includes people with a broad range of knowledge and experiences in terms of immigration and marriage equality mobilization, the theme of an initial friendship that morphed into a romantic relationship was a recurring account. Among the participants, 20 (60%) discussed the importance of investing time to get to know one another, and allowing feelings to develop slowly thereby becoming “quick friends, [who] immediately liked each other,” and who “just really [enjoyed] each other’s company and talking.” In this regard, for the couples I interviewed, common interests often brought them together and were instrumental in later cementing their relationships. For Samantha and Grace, parallel rural lifestyles and a shared love and career in gardening were crucial for bringing them together as well as for solidifying their relationship.

For slightly more than half of the participants (8 couples), the development of their friendships and subsequent relationships occurred via internet-assisted technology through current chat and online communities such as Skype, Tumblr, Facebook, LGBTQ portals, and other live chat platforms that were widely popular in the late 90’s such as ICQ and IRCP (Internet Relay Chat Protocol). The rising popularity of the internet and online messaging programs provided a fertile environment for bi-national relationships to blossom because they allowed strangers the ability to connect and get to know one another in a safe and expectation-free environment.

The spouses I interviewed confessed they were not seeking long-term commitments and were merely exploring the internet as a novelty and emerging technology. Accordingly, they falsely or naively believed that both their geographic distance and virtual boundaries would serve as a concrete barrier to potential feelings. In other words, these, for the most part, were not couples seeking romantic relationship online, but rather exploring the newfound access to other

cultures and to people who shared similar interests, which were often unavailable in their own backyards. Consequently, the romantic relationships that developed from these online friendships were often surprising and unexpected outcomes.

According to one couple who met through a celebrity themed tumbler blog, they initially developed an online friendship that lasted for a year, until a 9-hour long conversation led both of them to acknowledge their feelings for one another. Michael perfectly described the overall sense of innocence and novelty the early days of chat technology provided the LGBTQ community, and its role in fostering emotional intimacy:

We were in an online chat site called Gay.com, and this was when the internet was in its infancy. There was a flashing cursor, and you would type a line of dialogue and press send. So, we met in there, and I was just intrigued by the whole concept. I never thought I was going to meet anybody there. That was not even the point. I just thought it was interesting and fun. I connected with so many gay people from all over the world. It sounds weird, but at that time, it was revolutionary. There were no dating sites, and I think that for gay people, in particular, it was exciting to connect and chat with all of these people around the world and find out what their lives were like. That was what I was doing. Anyway, we just struck up this friendship online, and it lasted about a year, and you tell people a crazy amount of personal things in that setting because you think it is safe. You are never going to meet, it is not threatening, so we really knew a lot about each other, and we were good friends.

While eight couples in my sample met online, three couples met at school, two met at a party, one at work, and one through friends. Accordingly, in terms of relationship emergence and development, the bi-national same-sex couples I interviewed appear indistinct from heteronormative couples. That is to say that there was nothing lurid or unusual regarding their attachment and emotions; one person meets another, and there is a connection, a spark, unfolding into the couple's own personal narrative. According to Acevedo and Aron (2009), both romantic and companionate love are essential for relationship success, which in turn also shelter spouses

from difficult life experiences. Thus, the slow progress from friendship to romantic and companionate love fostered surprisingly emotionally intimate long-term attachments and was essential in helping couples overcome the difficulties of navigating unfair policies and the cumbersome immigration system in the United States and abroad.

4.1 Bi-nationality as a Threat

As the romantic bonds deepened, the emergence of the couples' bi-nationality as a distinct threat to their relationships' future, as well as adverse experiences brought about by heteronormative definitions and assumptions about legitimate and socially sanctioned relationships became more apparent. Most couples were ignorant and/or unprepared to address the legal ramifications imposed by the Defense of Marriage Act and the legal immigration constraints it imposed. The emergence of bi-nationality as a threat was often associated with the realization that there were limited legal immigration options that would allow the spouses to stay together. In this chapter, I will provide a brief discussion of how the spouses' citizenship, educational backgrounds, and personal resources influenced their initial responses to this emerging threat. In Chapter 5, I address the dilemmas bi-national same-sex couples faced more broadly.

In general, the spouses' understanding of the impact of legal immigration options on their relationships was directly related to their country of residence and education levels. Foreign-born spouses who were residing in the United States were more likely to be very knowledgeable about immigration requirements and restrictions. These were often individuals who entered the United States with F-1 visas (student visa), and who eventually remained in the United States with H-1B visas (work visa). Their extensive experience with the immigration process not only gave them an in-depth understanding of immigration requirements and options, but it also made them

responsible for educating their U.S. spouses who were initially ignorant about the immigration system in the United States.

Most U.S. citizens are unfamiliar with the U.S. immigration system's facts, policies, and complexities (Anderson 2012; Pew Research Center 2015). This is because, in addition to its esoteric qualities, there is neither a need for U.S. born citizens to understand how the immigration system works nor to question its practices. It is only when U.S. citizens become involved with a foreign citizen who is navigating the immigration system that they begin to understand the complexities and burdens associated with immigrating to the United States. Even for people such as Emily, whose career has included immigration advocacy, there remained a sense of disconnection and detachment from the whole process. Thus, while she knew about the availability of visas for victims of crime (U Visas), she acknowledged "... [knowing] very little about the immigration system," and depending on her spouse, Manisha, to fully educate her on the immigration related hardships Manisha experienced. On the other hand, foreign-born spouses who met their future wives and husbands while living in their home countries or elsewhere were ignorant because there was no need for them to understand the complexities of the immigration laws in the United States.

Isaiah admitted to his ignorance of the immigration system but also posited that his newfound feelings for his partner Ricardo were so unexpected that immigration barriers were initially not a concern. The feelings associated with emerging romantic relationships encouraged a sense of unrealistic optimism and naiveté, and many couples falsely believed that viable and straightforward solutions existed. This theme of hopeful ignorance was a recurring idea in the interviews. Thus, for many of the couples, it was only after falling in love, which according to the participants took "several months" to a year, and acknowledging their willingness to commit

to their partners that they started exploring all of their immigration options. It was then that they began to realize the uphill battle and personal sacrifices a bi-national same-sex relationship would demand.

It is illogical to expect that foreign nationals living abroad would follow all the happenings in U.S. politics. According to several of the foreign-born spouses I interviewed, they had never heard of DOMA or *Windsor* until they were in a bi-national same-sex relationship with a U.S. partner and faced with immigration restrictions such as having their visas to enter the United States denied. As such, many foreign spouses relied on learning information about DOMA and the *Windsor* case through their U.S. spouses, who for the most part were also novices on the matter. In effect, for the majority of the U.S. spouses, detailed knowledge about marriage equality and its immigration considerations, in particular, also emerged because of their newfound bi-national relationship. Accordingly, many in my sample admitting to only following marriage and immigration equality news and updates more closely once it became a crucial concern and a possible barrier to the future of their relationships. Paige attributed her ignorance to her own privilege and an inherent American perspective and narrative, which emphasizes a can-do-it attitude of troubleshooting and problem-solving:

As any privileged American, I tried to act like a trouble solver. I was like “why don’t you do this, why don’t you do that, have you tried this?” And she would be patient with me, but over time it became very apparent that the immigration system has thought of every out, and had closed out every option, so that the only option you have is to pay money, after money, after money, after money just to try to adjust your status, to try to stay in the country. I mean, it was an educational process for me, and it probably took about a year for me to truly understand just how unforgiving the immigration system was; how unfair it was. And really, no matter how many ways you try getting around it, you are stuck. You are vulnerable; you are stuck. They are going to empty your pockets, and if you are lucky you get to stay, and if not they kick you out.

In addition to an emerging awareness of political and immigration constraints that were specific to the intersection of same-sex relationship and bi-nationality status, the couples I interviewed also existed within a particular social context and structure that delegitimized non-heteronormative relationships through outdated definitions of marriage.

4.2 Marriage as a Social Construct

The conventional marriage narrative served as a strong justification for unequal treatment of same-sex couples and other unconventional relationships. Thus, in addition to lacking legal rights, the supremacy of conventional marriage ideology devalued bi-national same-sex relationships. That is because society's reliance on discrete and easily recognized categories dictates that in order to be valid, relationships must conform to heteronormative expectations. The couples I interviewed expressed their frustration and distress with the constant rejection and questioning of their relationship status. No matter how much the couples attempted to fit within the accepted idea of marriage and family, either by making their relationship status public or by having children, stigma, and feelings of exclusion remained.

A particular way in which rejection and exclusion were evident was in the common assumption by outsiders of the insurmountable nature of the immigration barrier, and their belief that, ultimately, separation was inevitable. By not meeting the definition and social understanding of conventional marriage, it appears that outsiders made assumptions about bi-national same-sex relationships as not sufficiently real or committed enough to endure through legal obstacles. Ashley expressed frustration that, for many of her acquaintances, her relationship with Victoria, did not seem to carry the same weight or the same importance as heteronormative relationships and would inevitably collapse as a result of their dilemma. Manisha also described

her experience with reporters who would invariably make assumptions about the demise of her relationship with Emily when inquiring about whether DOMA would lead to their separation.

Ultimately, my research participants agreed that the *U.S. v. Windsor* decision went a long way toward advancing recognition of same-sex marriage and altering the common conceptualization of marriage. In addition to granting legal rights, the *Windsor* decision also served to solidify the idea of same-sex couples as legitimate family units. Olivia explained the importance of a common language in fostering this emerging acceptance:

The way that heterosexual people have understood relationships – the relationships of their parents, grandparents – is that you date, and you get married. So, that’s just how they understand relationships, and before the end of DOMA, they could not understand. But now, it [DOMA] has put our relationship in terms that they can understand even if they have objections. If I introduce myself and say, “this is my wife, we are married,” they are like, “Oh, I can understand that.” And the part of their brain that perhaps disagrees; well that doesn’t matter anymore because it is within our rights. So, the need to further define and explain our relationship is completely over now. When we say we are married, people can accept that.

Prior to the *Windsor* decision, the lack of legal standing impeded social acceptance and made it difficult to persevere as bi-national same-sex couples. Accordingly, for the couples I interviewed, the inability to marry, in addition to all the legal barriers, meant that they had to work harder to define what it meant to be a couple. Marriage was not the ultimate goal of every individual in my sample, but the consensus was that the *Windsor* decision legitimized their unions and simplified their social interactions. This newfound social acknowledgment of same-sex relationships, as it turned out, became one of the most significant positive outcomes of the *Windsor* decision, which I will discuss in more detail in chapter seven.

4.3 Conclusion

The personal stories of bi-national same-sex couples, the beginning of their relationships, and many of the reasons why their relationships endured are no different from heteronormative accounts of romantic relationships. Many of the couples I interviewed often described their relationship as typical or as boring; just another boy meets boy, girl meets girl story. Nevertheless, the frustrations and heartache of navigating the immigration system set them apart. While most couples had an in-depth understanding of DOMA and the *U.S. v. Windsor* case, their knowledge was a result of being involved in a bi-national relationship, and most of the participants in this research, at least initially, stated having just a general idea about DOMA and its ramifications.

In this regard, bi-national same-sex couples are not much different from the U.S. public, which has a limited understanding of the immigration system and the changes that resulted from the *Windsor* decision. While the *Windsor* decision and later *Obergefell v. Hodges* expanded the definition of marriage to include same-sex couples, civil society continues to have a poor understanding of the ongoing legal implications bi-national same-sex couples face. Thus, the ability to introduce one as married does not mitigate immigration burdens, or the need to continue to educate a population that is unfamiliar with immigration rules, and that continues to oversimplify the U.S. immigration system as a matter of criminal undocumented immigrants. In the following chapter, I will address the dilemmas bi-national same-sex couples in my study endured, which had the lack of viable legal immigration options as a common denominator.

5 DILEMMAS

Immigration dilemmas led to instability and self-doubt that directly influenced personal decisions. In essence, the few avenues for legal immigration resulted in a set of specific

dilemmas that disrupted the lives of these bi-national couples. Overall, immigration barriers meant the inability to plan and have control over their lives. The couples I interviewed expressed apprehension about neither having a clear path to ascertain the stability of their relationships nor having viable options to change their existing situations. Their circumstances resembled a stalemate that tapped into every aspect of their lives and affected their finances, emotional well-being, interpersonal relationships, and career options. As James summarized, the dilemmas he and his husband Pablo faced exemplified their lack of personal freedom, disrespect for their love, injustice, and inequality. In this chapter, I will detail the dilemmas the bi-national same-sex couples I interviewed faced before the *Windsor* decision, and how these dilemmas affected their personal lives and relationships.

5.1 Immigration Burden

Strictly speaking, the couples I interviewed lacked equal legal rights and protections. While the Universal Declaration of Human Rights confers all humans' inalienable rights to live with dignity, to the ability to form a family, and freedom from legal discrimination, among others (United Nations), this declaration becomes meaningless in the face of unjust immigration laws and border surveillance. Therefore, it is unsurprising that the vast majority of the spouses I interviewed expressed concerns about their legal vulnerability and lack of viable immigration options. As a result, "feeling stuck" was a sentiment expressed by 28 (93%) participants. Ricardo expanded on this feeling, describing it as the sensation that "there was always a clock ticking behind [their] heads reminding [them] it was time to leave." Nevertheless, the omnipresent foreboding encouraged the spouses to "make the most of their time together," which ultimately strengthened their commitment to making their relationships work. The salience of

commitment among the narratives of the bi-national same-sex couples I interviewed is one of the positive outcomes of their struggles that I will revisit in chapter seven.

A fundamental immigration-related dilemma was the limitations on residence options. While delineating a shared space is a crucial marker in defining couplehood (Kolozsvari 2015), deciding where to live as a couple included acknowledging the possibility of experiencing discrimination, financial difficulties, and additional immigration complications. This was especially true of couples who had few choices but either to relocate or to remain abroad. Nevertheless, living abroad also meant facing the possibility and consequences of residing in countries in which a supportive LGBTQ environment and personal support system were often lacking. Ultimately, in these situations, one or even both partners had to leave their country and families behind. The bi-national couples I interviewed weighed their options carefully, and, when financially viable, their desire to live together as a couple guided their decisions.

Couples who decided to marry abroad, where permissible, or in other U.S. states that allowed same-sex marriage before the *Windsor* decision, often found themselves facing difficult ethical and legal situations. That was because the lack of legal acknowledgment of marriages performed outside their place of residence left these couples in a legal limbo, thereby also complicating their immigration options and limiting their ability to travel freely. For Victoria, an ethical dilemma emerged while applying for jobs that would provide H-1B visas (work visas). The H-1B visa is a temporary work visa available to highly skilled individuals in specialized occupations (U.S. Department of State c). In order to apply for an H-1B visa, Victoria had to conceal the fact that she had been married for eight years – a lie that, if it had been uncovered, could have affected her ability to attain and maintain her work permit, as well as complicated future immigration processing. Ashley, who was concerned that her frequent visits to the United

States were raising suspicion, also opted to lie about her relationship status while attempting to enter the United States at one point. However, an immigration officer denied her entry after her nervous behavior and inconsistent answers raised suspicion.

Even when couples had the legal option to live abroad together, the fact remained that their preferred option – to live as a family in the United States – was unattainable. Among them, Isaiah and Ricardo had the opportunity to marry and remain in Ricardo's home country where same-sex marriage was legal. However, better career prospects and a higher standard of living meant that both were eager to relocate to the United States permanently. Nevertheless, because there were no legal immigration options for Ricardo, their temporary separation was inevitable. None of the couples I interviewed desired long-distance relationships, and unwanted separation represented the most serious threat to their families. Unfortunately, the possibility of separation was only one of the many predicaments that resulted from immigration restrictions.

For some foreign-born spouses, escaping their cultures, which they felt were prejudiced against same-sex couples, was an important factor in wanting to relocate their families to the United States. Diego described how his fear of prejudice and retaliation in his home country led him and his husband to seek alternative immigration options beyond the United States:

It is very common that they can attack you in the streets. For instance, my mom and dad do not know that I am gay because they are Evangelic, and it was very difficult for me to live my life as a couple. So we were planning to leave the country regardless, but when DOMA fell, we grabbed the opportunity to go to the United States and start a new life.

Not only there were legitimate fears regarding violence and discrimination; the need to relocate or to maintain multiple households, support one's family, and the required immigration costs were additional burdens that exhausted the financial resources of many couples in my sample.

5.2 Financial Burden

While establishing one household was the ultimate goal for all the couples I interviewed, this was not always possible or economically viable. Most couples incurred expenses because of frequent international travel as well as with the costs of maintaining two households. For Samantha and Grace whom both traveled several times between the United States and the United Kingdom, the frequent flights tested their limited incomes, but attempting to maintain both of their residences in two countries was untenable in the long run. Spending time with each other abroad meant living with one income to support both of their households. During one of these long stays, burglars vandalized Samantha's house in the United States, removing copper pipes and other items. During our interview, Samantha was preparing to return home to ensure the security of her house and to address the necessary repairs. The reality of their imminent separation as well as the looming additional household expenses set a somber mood for our interview. Victoria and Ashley also shared a similar experience while discussing the ongoing financial difficulties their bi-national status entailed:

We had to be really frugal. I mean, we don't do much other than make the bills, and right now we haven't even been able to do that. We just had a month from hell where the plumbing went out, the electric company totally went nuts over the winter and overcharged a bunch of people, and we lost the computer for a while. That's why we never got back to you. And [Ashley] hit a deer like a week ago, and totaled the van, which of course they [the insurance] don't wanna replace properly. It's just been like one thing after the other. It's enough to drive anybody over the edge.

In addition to cost of living concerns, immigration restrictions led to long-term financial difficulties that continued to affect the bi-national couples I interviewed beyond the *Windsor* decision (discussed in more depth in chapter seven).

Nevertheless, not all couples had the option to relocate to another country. It was often the case that the foreign spouses' countries, similar to the United States, did not grant

immigration opportunities to same-sex couples. Therefore, particularly for spouses without permission to remain on U.S. soil, living together was a temporary and uncertain privilege. Consequently, the possibility of imminent separation was a constant fear and severe threat to the relationships of the bi-national same-sex couples I interviewed. Arvin explained how his limited visa options dictated his and his husband's lives:

For the seven months before the *Windsor* decision, we were finally living together. Elliot decided to go to [home country] and live with me. So we were living together for like seven months, and he was there on a tourist visa. He couldn't get work there because, you know, if you're on a tourist visa, pretty much in any country, you're not allowed to work, and it's the same thing over there. So, he couldn't work over there, and so, his stay there was also not permanent. I mean I could stay there but, eventually, he would have to leave, and we would be separated again.

For many couples, in order to stay together, relocation was mandatory. However, relocation, when possible, required at least one of the spouses to make considerable personal sacrifices for the benefit of the relationship. These personal sacrifices influenced their emotional wellbeing, family considerations, and career options.

5.3 Emotional Wellbeing and Family Considerations

While most couples stated that they did not experience many adverse reactions in the form of individual discrimination, the lack of legitimate immigration channels prompted many negative personal outcomes such as stress, anxiety, depression, insomnia, nausea, and vertigo. All the couples I interviewed discussed the emotional impact of the legal uncertainties they faced. However, the foreign-born spouses, in particular, who faced stricter restrictions on their ability to come and go, highlighted how the inhumanity and punishing nature of the immigration system made them feel like exiles without the freedom of choice and movement. This inability to control one's life placed additional strain on the relationships and on the couples' financial

resources by requiring them to address these concerns. For Laura, the lack of a legal avenue for her wife, Carolina, to enter and stay in the United States brought so much strain to the relationship that they discussed its feasibility, and seriously considered either ending the relationship or putting it on hold while waiting for the outcome of the *Windsor* decision. While they ultimately decided to stay together, Laura described feeling as though they were two people whose lives were continuously getting farther apart because Laura's unhappiness and desire to return to the United States became a source of conflict.

Emotional dilemmas were a response to extended family crisis. Pablo described the tragedies that he experienced during the years in which his international travel options were restricted. At one point, his father was ill, and his undocumented status meant that upon his departure there would be few to no legitimate ways to re-enter the United States. After struggling with this predicament, and finally deciding to leave his spouse behind to visit his family, he arrived at home just hours after his father had passed. Years later, after he had attained a student visa to return to the United States, and was completing his "optional practical training" (OTP), in which international students are given permission to work in their field for a year after finishing their educational program, he received notice that his mother had been diagnosed with cancer. Once again, Pablo described his sorrow and anger that even while the OTP gave him permission to stay and work in the United States, it is not a visa that would allow him to travel freely to visit and comfort loved ones.

Finally, a critical emotional and family-related dilemma was the lack of social acknowledgment as a valid family unit. While only two couples in my sample had children together, having young children without legal recognition as a couple meant a particular set of concerns. For Paige and Hailey, their inability to marry legally became particularly troublesome

when Hailey lost her H-1B sponsoring job. During their interviews, each spouse described the compounding stress of attempting to maintain their family together on a graduate student stipend, and the strain of the likelihood of a forced separation while also caring for their newborn. As a result, Paige described how most of their time together was spent exploring immigration options and attempting to find another position that would also sponsor a work visa:

When our son was born, we had a civil union, but we were not married because of the possible complications for the H-1B visa. And then, about three months later, my wife lost her job, which meant that she lost her visa, which meant that we had very few options in terms of what we could do. We were grasping at straws trying to keep her here as long as possible because I was not done with my degree, but I couldn't keep her here. So, we started to plan how we could move to [Europe], so I could go live there. Because once you have a kid you can't live in different countries, and we were not willing to do that. It is hard enough being parents at all, but living in different countries, in different continents, that would have been impossible. We really had a high level of stress. I mean, every day trying to figure out what the hell we were going to do, and when she lost her job it was more pressing. It is always pressing when you lose a job because you need the money, but we were supporting our family on my stipend, which is not easy. We would go to work and come back, and look for jobs for her all night. We didn't have time to spend together and just relax, or just have a normal calm end of the day together because we have a small child, and we weren't sleeping that well.

Under their circumstances, with limited income and an infant to consider, finding a job or another immigration alternative became particularly critical. For Paige, moving to Europe would mean abandoning her academic pursuits and limiting her career options. What is more, an international relocation would fail to mitigate their financial difficulties. The cost of relocation, establishing a new household, as well as the additional funds that would be required to keep them afloat abroad was cost prohibitive. The following section will provide additional insights into the consequences of career limitations bi-national same-sex couples had to endure before the *Windsor* decision.

5.4 Career Limitations

Many couples encountered limited to non-existent career options. More often than not, at least one of the spouses had to make career sacrifices in order to maintain the relationship. For some foreign spouses living in the United States, the H-1B visa allowed them the possibility to work, but limited their freedom to change jobs as needed, and left them on fragile immigration ground if they happened to lose their jobs. Three couples I interviewed experienced the same situation: after the foreign spouse had lost their sponsored work visas, they had only 30 days to either find another visa sponsoring position or depart the country.

Even Andre and Jovan, the only couple in which the foreign spouse was able to maintain his work visa during DOMA and past the *Windsor* decision, experienced a constant sense of dread. They feared that a possible job loss and subsequent separation could invariably transform their lives. Andre explained what it meant to rely on the H-1B visa succinctly:

He [Jovan] was attached to a company. If he decided that he no longer wanted to work with that company, he would have had to have something lined up to start soon after leaving. So, it created a constraint on him. He didn't have the freedom to move between jobs or to leave a job he was unhappy with, or if the company downsized, that could threaten his immigration status as well, and he would have been left in a limbo.

Once again, the feeling of being stuck and out of options was a central concern and highlighted the limitations imposed by the immigration system. While the United States welcomed the expertise of certain foreign nationals, it did not allow them the freedom to explore other career options effortlessly, which increased stress levels and feelings of otherness.

Similarly, some of the U.S. citizens who decided to relocate abroad faced difficult career choices. For Henry, relocating to a Latin American country meant that he had to put his pursuit of a doctoral degree on hold, which affected his ultimate goal to work in academia. Laura and Isaiah both discussed their unhappiness and dissatisfaction working in fields that did not hold

their interest, dealing with lower wages, and a higher cost of living than in the United States. On the other hand, Michael, an American diplomat, discussed the “incredibly difficult” career advancement consequences of refusing assignments that while advancing his career, would also jeopardize his relationship with his husband, Jayron.

Nevertheless, while career goals and choices were critical areas of consideration, the ability to attain a career abroad for either spouse meant that the couple was lucky to have some form of immigration option that would allow at least one of them to work. Job opportunities abroad, along with the possibility for legal immigration, to either to the United States or elsewhere, meant that for some of the couples I interviewed, it would have been possible to stay together. Even so, the reality is that immigration options were unavailable or unaffordable for the majority, and were even more restricted for spouses from Latin America. Thus, the ability to immigrate somewhere, either to the United States or to another country, was a privilege limited to a few, which provides a clear illustration of immigration inequality that benefits the elites.

5.5 Immigration Discrimination and Visa Denials

The inability to be approved for temporary entry visas to the United States was yet another dilemma faced by the non-U.S. citizen spouses of five (33%) of the couples I interviewed. It is relevant to note that all foreign-born partners from Latin American – both men and women – were denied entry visas at some point before the *Windsor* decision. While my sample is small, and I am unable to generalize my findings, Neumayer (2006) explains how visas serve as a pre-selective process that excludes and marginalizes applicants from stigmatized and feared geographic areas. While affecting all foreign people of color, Latino/a immigrants, in particular, have become perfect scapegoats for current negative economic shifts and shrinking job opportunities in the United States. Thus, racial profiling and prejudice have emerged as a

central component of tough immigration policies to appease job-related, and identities fears of U.S. citizens (Kretsedemas 2012).

Visa denials were particularly troublesome for the foreign-born spouses, who often felt discriminated against, and expressed feelings of inferiority and hopelessness. For instance, Miguel described feeling humiliated for being negatively profiled as a resident “of a third world country,” while Ricardo expressed confusion about the U.S. Consulate’s lack of explanation or rationale for his visa denial, feeling “horrible” and “depressed” that he would be unable to visit his then-boyfriend in the United States. He felt like he was being treated like a “criminal.” Carolina also felt like she had been labeled as a “criminal deviant,” and ultimately powerless in the face of an unforgiving and complex system.

5.6 Conclusion

Immigration barriers represented the central obstacle for the bi-national same-sex couples in my sample. These obstacles were a serious threat to the future of their relationships, and it led to multiple challenges such as financial difficulties, career limitations, and emotional disturbances. It was apparent that couples were often unprepared to face the reality of visa denial or failure to gain entry into the United States. The inability to obtain a visa left many spouses feeling out of control over their own lives, in direct contrast to their initial optimism regarding the future of their relationships and the immigration process. Nevertheless, because so many spouses were unable to enter the United States permanently, it often became the U.S. citizen partner’s decision whether to make the necessary travel and living arrangements to maintain the relationship.

Finally, despite these immigration barriers, 13 of the couples I interviewed, affirmed that living in the United States was preferable to residing in the foreign-born partner’s country of

origin or at a third location, as was temporarily the case for four of the couples in my study. That is because, despite lacking marriage equality, the couples expressed the belief that the United States provided an environment that was more tolerant, and where bi-national same-sex couples could be “happy” and “free.” Thus, before the *Windsor* decision, finding alternative immigration options was imperative. Some of the obvious options included immigrating to the foreign partner’s country, or for the foreign spouse to attempt to stay or enter the United States independent of his/her partner, such as through work, study visas, or a visa lottery. Even in these situations, uncertainties about the temporary nature of non-immigrant visas and uncertainties about job security further complicated and threatened their relationships. In Chapter 6, I discuss the strategies bi-national couples employed in order to navigate these immigration barriers and guarantee the success of their relationships.

6 STRATEGIES

As the couples became aware of the few legal immigration avenues available to them, they also started to plan and strategize alternatives. Nevertheless, most of their options and strategies were far from ideal and incurred financial and personal costs, requiring careful consideration. Even when plausible or workable strategies were available, the bi-national same-sex couples in my study continued to research, plan, and fantasize about possible solutions that would lead to ideal outcomes. Notwithstanding, carefully planned immigration-related strategies were essential for supporting their relationships.

For bi-national same-sex couples, being together required an enormous amount of logistical planning, such as managing and funding the costs of multiple residences, as was the case of seven couples, double tax burdens, scheduling of international communication, constant travel, and long separations. Even so, the couples I interviewed demonstrated an immense

amount of resilience and commitment to their relationships. The desire to make the relationship work demanded sacrifices from both spouses who had to be willing to do whatever it took to stay together while dealing with a myriad of difficulties and their resulting consequences. Ultimately, immigration barriers were an insufficient obstacle and encouraged creative planning that resulted in frugal living arrangements, new businesses ventures, and unexpected education and career choices. In this chapter, I will discuss immigration-related and coping strategies that served to both widen legal immigration options and to maintain the couples' emotional stability.

6.1 Immigration Strategies

Amidst all the immigration difficulties, it became apparent that the couples I interviewed had to step away from their comfort zone in order to devise strategies to either maintain or gain legal status in the United States. While the vast majority of my sample, or 11(73%) of the foreign-born spouses to be precise, were able to avoid violating immigration laws, four spouses were, at least temporarily, undocumented in the United States. Regardless, both documented and undocumented immigration strategies carried serious burdens and consequences that demanded critical deliberation. I will initiate this section by describing the strategies and consequences of the few couples who remained in the country undocumented, followed by a report of the strategies of the couples who relied on sanctioned immigration options.

Among the spouses who entered and/or stayed undocumented in the United States, Grace, and Victoria both overstayed their tourist visas during their frequent visits to the United States. While they experienced few negative consequences, their decision to overstay weighed heavily on their minds, as they feared to be unable to reenter the United States in the future. For this reason, they attempted to alternate their visits by entering and exiting the United States as much

as financially feasible. Nevertheless, the high costs and career considerations meant that frequent international travel that was not an option for all couples.

Arvin overstayed his student visa after abandoning his graduate studies in the early 2000s. At that time, he had lived with his now husband for seven years, but a lack of immigration options meant going “out of status,” and remaining undocumented in the United States was the only way to stay in the U.S. The U.S. Citizenship and Immigration Services consider a person as out of lawful status when they violate the terms of their visas. Suddenly, after the terrorist attacks of 9/11, there was an increased scrutiny on F-1 visa (student visa) holders whose entry and departure the immigration department already tracked carefully. Accordingly, Arvin’s fear of deportation led to his departure. He discussed the increasingly immigrant adverse environment and heightened surveillance of international students that emerged after the terrorist attack in 2001, and that led to his decision to leave the country:

Because those terrorists were in the United States on student visas, the immigration service started clamping down on people who were on temporary visas in the country. It was clear that I was part of that group of people that they were going to start checking or whatnot, and there were actually notices in the newspapers, you know, saying that, you know, if you’re in the United States on a temporary visa you need to go to the immigration office and register. But then, it took them a while to lay that program out, so first they said, only from certain countries, like Muslim countries or whatever, so it took them a while to roll that program out. I don’t think it ever came to having people from my country register, but I was getting terrified of possible consequences because the immigration had started to clamp down, and every time there’d be a knock at our door I was so scared of answering it. I was very scared, although it was just a harmless delivery from UPS or something like that. Yeah, so, because of that. I just felt very vulnerable, and I talked to [Elliot] and told him that I’d decided that I was just gonna go back home.

As the examples above indicate, even for the few spouses who were “out of status” at one point or another, it became necessary to leave the country in order to rectify immigration statuses

and/or documentation. It was also evident that the couples went to great lengths to avoid being out of status or undocumented; illegal immigration, for the most part, was not under consideration if it could be prevented. Therefore, the couples spent a considerable amount of time and money researching and implementing their plans in an attempt to remain documented wherever they chose to live. Strategies to remain documented or to gain legal entry in the United States or abroad included career changes and entrepreneurship, educational decisions, relocation, and marriage abroad if legally possible.

6.1.1 Career and entrepreneurship strategies

For foreign spouses living in the United States, one way to maintain immigration status was through visa eligible careers. The H-1B visa provides work permit for specialty occupations, which in addition to a sponsoring employer, also requires a minimum of a bachelor degree, which must be deemed as essential to fulfilling the position's specialized duties (U.S. Citizenship and Immigration Services). In essence, the position in question must be related to and demand the degree holder's particular area of study. The requirement for formal and specialized education to fulfill high-skill occupations means that H-1B visas tend to be awarded to highly credentialed applicants. In effect, out of the four couples from which one spouse had had an H-1B visa, one held masters, and three held doctorate degrees.

Nevertheless, having an H-1B visa did not provide complete immigration relief. Because H-1B visas are attached to a specific job, they offer little career flexibility and opportunities for long-term residency. In fact, the four foreign spouses who held employment visas at one point during their relationships discussed their inability to change jobs easily, its impact on career advancement, and continuously feeling stressed over the future of their immigration status.

Hannah explained the constraints of the H-1B visa by discussing her inability to leave an undesirable job and the consequences of a possible layoff:

It is not like I could just quit, and become a writer, or take on a menial job. I can't hop around very easily, which impacts you. It is a different way to exist because I have to stick with that one job, and it is very difficult to change that situation. You have 30 days to leave if you lose your job.

The fear of losing one's job was valid and occurred to three out of the four H-1B visa holders I interviewed. The visa's requirement that its holder departs the country within 30 days of an employment termination makes it almost impossible to find alternative employment unless the employee has sufficient advance notice. This was the case for Hailey whose employer provided several months of notice of her termination. While having sufficient notice granted her time to job hunt, it also made for stressful months while she sought another H-1B sponsoring job. For Hannah, who only had one month's notice, there was not enough time to find another position, thereby requiring her to apply for a temporary business visa that allowed her to stay in the United States with her wife during the holiday season until Michelle had a chance to arrange for a visiting faculty position abroad.

Emily and Manisha, on the other hand, devised an interesting alternative to overcome the limited time frame of Manisha's stay. After seeking other job opportunities for sponsorship in a different capacity, they decided that one of their options was for Emily to open a business and hire Manisha as an employee. It was a risky and frantic decision, which not only incurred many costs; it tested their comfort levels, and it left them vulnerable and fearful for their financial stability. The plan was to sponsor Manisha for permanent residency once the business had been established, which would also require an immigration approval process to determine the company's sustainability. However, Emily explained that the ability to open a business with the possibility for a future adjustment of status for her wife was only possible because DOMA

ensured that their relationship could not be recognized as a family. In other words, because the federal government could not treat them any other way other than unrelated strangers, there were no restrictions on starting a company and hiring one's own spouse with the ultimate goal of securing permanent immigration status.

The three examples above illustrate career-related strategies for foreign spouses living and working legally in the United States. For these spouses, it was critical that they maintain the H-1B visa or an alternative legal immigration status to avoid jeopardizing the possibility for legal permanent immigration in the future. At least one foreign spouse living abroad also attempted to find a job as a professor in the United States. While he was considered very competitive for a number of positions, his need for H-1B sponsorship undermined the strength of his application. The complicated hiring process and high costs involved with the H-1B visa process mean that few companies are willing to sponsor foreign applicants.

The difficulty in attaining legal work stateside and the wish to remain documented meant that enduring couples had to have the flexibility and financial resources to relocate abroad. As a result, 9 (60%) of the couples I interviewed were living abroad, at least temporarily, before the outcome of the *Windsor* decision. Thus, in these situations, it was incumbent on the U.S. spouse to obtain employment abroad, which often involved career sacrifices. While it is important to note that one couple in my sample had established lives and careers abroad and had no intention to return to the United States on a permanent basis, that was not typical of the couples I interviewed.

Similar to their foreign spouses, U.S. spouses living abroad also shared concerns about immigration requirements and legal status. For Samantha and Victoria, living abroad with their spouses, even if temporarily, meant relying on one income to subsidize their households abroad

and in the United States. For Nathan and Laura, working abroad meant delaying their educational aspirations and taking on unfulfilling positions that, while serving the purpose to maintain their respective relationships, did not advance their careers. On the other hand, Henry and Elliot were somewhat privileged to gain well-paid jobs in their respective fields abroad. In addition to finding a job, Henry also started a business abroad with his husband, Miguel. Entrepreneurship provided a supplementary source of income, but it also fulfilled two alternative purposes: to provide Miguel with the financial support and credit history that could facilitate visa applications to enter the United States, and to establish local roots that would provide an avenue for Henry to request a permanent immigration visa rather than a temporary work-based permit. Finally, Michael, who already had an international work assignment, refused postings in the United States to guarantee that he could remain with his husband even if it meant stymieing his opportunities for career advancement. Nevertheless, because career options abroad were not available to all, or it was often less than ideal opportunities, all couples who wished to return to the United States continued to investigate other immigration options such student and, as a last resort, temporary tourist visas.

6.1.2 Student and temporary visas

Another common strategy employed by the bi-national same-sex couples in my study was attempting to attain a student or F-1 visa. The F-1 is a nonimmigrant visa for academic students who have been accepted by a “Student and Exchange Visitor Program” certified school (U.S. Department of Homeland Security). In order to gain acceptance, prospective students must adhere to the school’s admission requirements, including completing and covering the cost of placement tests, as well as providing evidence of sufficient financial assets to support their educational and living expenses in the country (U.S. Department of State N.d.). Once accepted,

the school issues a “Certificate of Eligibility for Nonimmigrant Status” also known as the I-20 form, and the applicant must pay the I-901 SEVIS (Student and Exchange Visitor Information System) Fee, which cost \$200 at the time of this writing, before being able to apply for the F-1 visa. The F-1 visa, in turn, costs an additional \$160 plus an issuance fee that varies depending on the applicant’s nationality (U.S. Department of Homeland Security and U.S. Department of State). However, acceptance by a certified school, I-20 issuance, payment of the I-901 and the visa fees neither guarantee the issuance of the visa nor entry into the United States. That is because, at the time of the mandatory visa interview (for those 14 to 79 years of age), visa issuance can be denied. What is more, immigration officers may also deny entry at the border, regardless of visa status (Neumayer 2006).

Among my sample, six spouses applied to institutes of higher education, and another one considered changing her status to a student visa as one of her options. Out of the six applications, only two received the F-1 visa and gained entry. As per the visa process I described above, the applicants who were denied had already been accepted by different institutions, had received their I-20 forms, and paid both the required and non-refundable fees, but were denied visas during the interview process. Ricardo expressed immense frustration with the process, doubting the fairness of the immigration system because he “had all the paperwork, all the proof of financial support, but they did not believe [him] and [he] was still denied” a visa even after he had already been acceptance into a community college in the Northwest of the United States. The only applicants who were able to attain a visa and gain entry as students were applicants who identified as white, while all the denied applicants were non-white Latin Americans.

Student visas, if granted, would allow couples to stay together while hoping for a change in immigration policy. Yet, gaining entry as a student was not necessarily a perfect solution.

Paige, who reentered the country to pursue a second graduate degree, discussed her resentment for having to incur additional and, from her point of view, unnecessary educational costs as well as the indignity of being unable to share the household expenses because international students are disallowed to work off campus, or for more than 20 hours a week on campus. In the case of Pablo, difficulties emerged because he gained acceptance into a school in a different state from where his husband resided. Therefore, while they were both living in the same country, their relationship continued to be long-distance.

In addition to attempting to apply for the F-1 visa, many spouses tried to enter the country temporarily as tourists. However, attaining tourist visas also proved to be challenging. Tourist visas were meant as a temporary strategy to share some of the travel costs with their U.S. spouses, and as an opportunity to meet their spouses' friends and families in the United States. However, it became apparent that a previous visa denial had an adverse impact on future applications.

Carolina was denied student and tourist visas in succeeding fashion. As an alternative, she attempted to apply for a Canadian visa, thereby reducing her wife's travel costs. However, her Canadian visa was similarly denied. Likewise, Miguel and Ricardo were also denied multiple tourist visas. Complicating matters, even if attaining a visa was not a problem, the border crossing process could be daunting, as seven spouses disclosed. Ashley described a traumatic experience while crossing the border in which she felt discriminated against and intimidated. Border agents ultimately denied her entry:

One time we were trying to cross together, and it was horrible. I lied and said I was going shopping in the States, and the woman was really cruel and did not believe me. She interrogated us, and she kept going: "we've got a problem here because you lied, and there will be consequences." And I said: "Yeah, I did," and she said, "Why did you do that?" I said, "Because you don't make it

easy for people who really care about one another to be together.” So, because of these types of experiences that we had, it created a lot of fear, and, even this time, when we’re finally selling the house and we’re going to return to the U.S., I’m afraid for us to cross together. So, we will do the same as the last time where she’ll drive in the RV, and I’ll come by car the next day.

As the bi-national same-sex couples started to grasp the extent of the barriers they faced as well as the few immigration options that were available, their commitment to one another remained steadfast even while they feared for their futures. For the foreign spouses who were in the United States with an H1-B visa, the stability of their employment was uncertain. Additionally, for the few spouses who were in the country but lacked legal immigration status, departing meant that they would be unable to re-enter the United States. On the other hand, spouses residing abroad could face immigration discrimination. Accordingly, it was unsurprising that one of the most employed strategies was international relocation.

6.1.3 International relocation

While international relocation was a viable option for nine (60%) of the couples in my sample, it still required extensive planning and financial resources. Social economic and educational privilege was essential in enhancing opportunities for international relocation. For instance, Michelle’s position as a professor of a well-known technology institute allowed her to find teaching positions abroad and avoid an extensive long distance separation once her wife, Paige, lost her H-1B sponsoring job. Similarly, Henry’s ability to open and co-own a business in his husband Miguel’s country granted him the capacity to stay and work abroad, while Michael and his husband Jayron benefited from his employment with the Foreign Service. By continuing to volunteer for service abroad and avoiding U.S. placement, Michael was able to remain closer to Jayron, who had relocated to Asia for the same purpose, and the two could continue to meet as often as possible. Finally, once the State Department started to recognize the same-sex

relationships of American diplomats serving abroad in 2009, it also covered all travel costs and handled the visa bureaucracy of foreign nationals who were in relationships with American diplomats, thereby allowing Jayron to accompany Michael during his placements abroad.

Couples without the financial and social capital to facilitate their relocations described more conflicted experiences. For instance, Laura and Isaiah, both of whom had to relocate to South America, expressed frustration with having to live abroad and work unfulfilling jobs. They described life in South America as difficult and lacking many amenities that made their lives in the United States more comfortable. Nevertheless, they both admitted that the ability to stay together superseded concerns with personal comfort and career aspirations. Notwithstanding, the capacity to stay together in one country was not a viable alternative to every couple, and many had to adapt to the reality of long distance relationships.

6.1.4 Long distance relationships

While some couples could relocate fully, others relied on extended stays abroad with their spouses followed by periods of separation. This strategy was frustrating on many levels because it entailed having to maintain two completely separate lives involving separate households and social circles. According to the study participants in this situation, previous experience with separation did not get easier with practice. In addition to taxing some of the couples' financial resources, long distance relationships also threatened many of the relationships because while the couples hoped that they would be able to reunite permanently at some point, an end date to their situation was uncertain.

Samantha and Grace, as well as Victoria and Ashley, had to rely on frequent international travel and maintaining two households. In addition to financial difficulties, their frequent travel

and contact with the U.S. Immigration bureaucracy and its officers incited a sense of persecution.

Grace discussed feeling singled out unfairly and having to settle for a long-distance relationship:

I think they have to stop the bullshit and get us home instead of having us jump through hoops to stay together. There's nothing that should stop us from staying together. I am not a terrorist, I'm just a little old lady, and I have no intention of coming to America and trying to milk the system. Because you can't, as an immigrant you can't. There's absolutely no way why we should be put behind a wall and kept there. The biggest issue for bi-national same-sex couples is separation. If you are married, do you want to stay away from your partner? When you are married, it usually means you are together not apart, and I don't think it is fair that we be made to live apart.

While some U.S. citizens were able to relocate to their spouses' country of origin or travel for extended visits, in the case of Elliott and Arvin immigration barriers were present in both of their countries of origin. Arvin was unable to find a legal immigration path to remain in the United States after overstaying his student visa, and Elliot did not have viable employment options in Arvin's home country. In these types of situations, living closer but not together was a compromise. That is why Elliot found himself living and working in a multinational company in an Asian country and taking the 3.5-hour flight to yet another Asian country to spend time with his husband Arvin whenever possible. Arvin described the complicated set of logistics required to maintain their relationship afloat:

We were trying to be together. I mean, that was the main thing that was always on our minds, and it was very difficult because we had to keep two residences, so that meant paying two rents. Um, aside from the fact that we were not living together, and so, you just can't spend the same amount of time as a couple if you're not living together, even though we were in the same time zone pretty much. Well yes, there's the internet now, but then there are also schedules, and, you know, all of those things we needed to take into consideration.

Michael and Jayron also experienced a similar situation before the State Departments' change in policy regarding the same-sex spouses of diplomats serving abroad. In order to

continue their relationship, Jayron moved to Asia and decided to pursue a graduate degree to guarantee his extended stay in Asia. As evidenced by the different strategies I have described, the bi-national same-sex couples in my research attempted to find several solutions to mitigate immigration barriers. For some couples, deciding on whether to marry before the *Windsor* decision was also another important consideration and strategy that I will discuss in the section below.

6.1.5 Marriage decision

Similar to its pressure in all aspects of the couples' lives, immigration also influenced marriage decisions. Even before the *Windsor* verdict, some of the couples I interviewed decided to marry, a choice that tended to include a strategic component. For instance, for Michelle and Hannah, the decision to marry was, in part, in preparation for the possibility that some of the many iterations of the Uniting American Families Act (UAFAs) (H.R.519) would occur before the *Windsor* outcome. UAFAs aimed to amend the Immigration and Nationality Act in order to include "permanent partner" as a permissible category for immigration sponsorship. Bills with similar intent had been introduced as early as the year 2000 during the 106th Congress and had been reintroduced during each subsequent Congress until the *Windsor* resolution, which made the need for such a law obsolete. However, before the *Windsor* decision, bi-national same-sex couples had to consider all potential immigration options, and for some, officializing their partnership was a strategic matter in order to fulfill the UAFAs' prerequisite of an established "intimate relationship with another individual 18 or older in which both individuals intend a lifelong commitment" (H.R. 519). Strictly speaking, the majority of the bi-national same-sex couples who married before the *Windsor* decision planned to legitimize their relationships prior

to any changes in the law. Their aim was to demonstrate a pre-existing commitment, thereby avoiding potential scrutiny of their relationships as a possible case of immigration fraud.

Even so, the spouses who decided to marry abroad before the *Windsor* decision had to contend with specific immigration rules that, at least for one of the couples, made their immigration petition lengthier. That is because different situations demand different immigration protocols, and permanent immigration requests for relatives of a U.S. citizen, if permissible by the U.S. Immigration Services are processed and finalized in the jurisdiction in which they are initiated (U.S. Citizenship and Immigration Services). Thus, the couples who married abroad had to both initiate and conclude the immigration process abroad. Accordingly, even the timing and location of marriages, particularly for couples residing abroad, had to be carefully considered to avoid immigration processing delays and unavoidable separations such as what happened to Laura and Carolina who married without fully understanding the immigration restriction and potential repercussions of marrying in Carolina's home country. Thus, after they married abroad, their relationship status led to complications and ultimately a denial when Carolina applied for a tourist visa to visit the United States. The couple had been unaware of DOMA and was shocked when they uncovered its restrictions:

We thought we'd find a way around it, but then the more that we researched it, the more that we talked to other couples, and the more that we talked to the folks at the DOMA Project, we realized that there wasn't a way around it and that we would basically have to wait until DOMA was overturned. Which was when we really started researching DOMA, and what that meant, and when the decisions were to be made and that sort of thing, and how we would get involved in pushing it forward at all. So, that's when we got involved with that.

Because Laura was unable to sponsor her wife's visa to the United States, the two remaining options were to stay in Latin America or have a long-distance relationship. However, even when the *Windsor* decision made the visa sponsorship a possibility, their decision to marry abroad

complicated their immigration process by requiring that they initiate and complete their petition abroad. This immigration rule eventually led to a temporary separation when Laura returned to the United States to make moving arrangements, and Carolina stayed behind to wait for the completion of the petition and for her visa issuance. While this was not an issue for every couple, as some of them did not mind waiting abroad, or were already in the U.S. and were able to marry in a state in which same-sex marriage was allowed, it was certainly a matter to consider and further exposes the couples' reality as one constrained by immigration rules.

Couples who had a better understanding of their immigration options before marrying were able to make informed decisions regarding when and where to get married. That is why instead of marrying abroad, Isaiah and Ricardo chose to apply for the K-1 or fiancé (e) visa, after the *Windsor* decision, and marry in the United States. The K-1 visa allows the fiancé (e) of a U.S. citizen to enter the United States for the purpose of marrying the sponsoring U.S. spouse within 90 days. In order to qualify for a K-1 visa, it is necessary that both the U.S. and foreign-born spouse be free to marry, have met in person in the last two years – culture permitting – and have the marriage be legal in the particular state in which the ceremony is to take place (U.S. Department of State b). As per these rules, Isaiah and Ricardo would not have been able to qualify if they were already married; such was Laura and Carolina's case. As Ricardo explained, "If [we] had been married, I would have had to wait in Latin America until the green card was approved, which was a longer process." Once Ricardo arrived in the United States, they married within a week and applied for a work permit promptly. Thus, the faster process also meant that other immigration procedures, such as work permission, could take place more rapidly.

Even for some of the couples who had started their relationships long before marriage equality seemed a possibility; the decision to marry had strategic connotations. Michael and

Jayron wished to marry regardless of the existing marriage laws. Nevertheless, the slow progression of equal marriage legislation in the United States encouraged them to marry as soon as they could in preparation for future legal reform:

Ten years ago we never imagined in our wildest dreams that this would happen. Four years ago, when we got married, things were clearly moving in the right direction. And we thought, let's get married now, in case immigration becomes a possibility, so it doesn't look like we got married just for immigration. So that was a consideration. We would have gotten married anyway, but getting married when we did was a convenience because we don't live in the States, so we had to plan for it to happen during a pretty short trip to the U.S.

The expectation of future legal changes was a significant impetus to encourage bi-national same-sex couples to officialize their unions. The *Windsor* decision, in particular, provided a critical push. In effect, 9 (60%) of the couples I interviewed decided to marry or to legalize previous commitment ceremonies shortly after the *Windsor* verdict.

While some of these couples had had commitment or wedding ceremonies in the past, the possibility of applying for residency status was an essential component in their decision-making process. For instance, Andre explained that while he and his spouse had discussed marriage in the past, the *Windsor* decision made marriage their only option to attain a green card and other marriage-related benefits:

We would have still gotten married, but I think the timeline would have been different. I think it is similar to straight couples who get married and need a green card. There is an incentive to get the process going. For example, in our case, we got married to start the green card process, but we haven't had an official ceremony with all of our friends and family. So, from their perspective, we are still engaged right now. But we would have gotten married either way.

Accordingly, because there are no other unions that grant the same benefits as marriage, the *Windsor* decision made legal matrimony the only possible alternative to maintaining the couples'

relationship and to access marriage-related benefits. In essence, it is not that the bi-national same-sex couples I interviewed wanted to wed immediately, or that marriage was the first thing in their minds, it is just that the immigration system did not provide any other avenues for couples to live together. Thus, marriage was the obvious, and for the most part, the only choice. As Claire attested after experiencing months of uncertainty and investigating a myriad of alternatives for attaining residency in the United States; “after the *Windsor* decision, it was self-explanatory that we would get married and get the green card that way.”

Finally, it is also important to highlight that several couples in my sample had been together for a long time, and already felt married. The legal endorsement was something necessary to guarantee their rights, but in their minds, it did not confer a deeper level of legitimacy to their relationships. For instance, Pablo explained his and his husband’s decision to marry by explaining that the marriage certificate did not grant meaning to their relationship. Rather, it granted them peace of mind after years of uncertainty and personal tragedies, which included a decade of Pablo living a reclusive life while undocumented, emotional turmoil, and being unable to say goodbye to his father who passed away while Pablo was in transit on his way home. All of these negative experiences deeply affected Pablo and James, and were in the forefront in their decision to marry:

After all these years, we felt that we have been married for almost the 20 years that we have been living together, but we felt that it was for the best. I mean, I thought it was the best way, you know, marry him because there’re other things involved you know? I mean, if I get sick here, I think very much about this, they don’t allow people to come and see you. I mean, if I’m in an accident, and I am in the hospital, only my family can see me. I don’t have any family left; I only have him. If we don’t marry, he cannot enter and see me. He is my family. He’s been my family for almost 20 years. If I have an accident, if I’m gonna die; I don’t wanna die alone. So, I want somebody that I love and love me with me. And if something happens to him I don’t want to be pushed away.

The rush to marry is part a response to immigration policies but was also indicative of the couples' personal fears. Hence, in addition to immigration constraints and requirements, apprehensions regarding the possibility of future separations and personal traumas experienced through the years all played roles in influencing marriage decisions. In addition to the immigration strategies listed in the previous sections of this chapter, other strategies included a continuous process of planning and strategizing, altering lifestyles to accommodate limited financial resources and additional expenses, relying on hope and personal support systems, and finally engaging in social mobilization and activism. While these were not able to address immediate immigration concerns, they provided the bi-national same-sex couples I interviewed with tangible actions and with the emotional fortitude to cope with their complex situations.

6.2 Coping Strategies

Because legal immigration options were few, and their processes costly and lengthy, I argue that finding alternative ways to maintain focus and a positive outlook was essential. There is why in addition to the immigration-related strategies and relocation options, couples also relied on indirect strategies for guidance and emotional support through their unknown journey. In this section, I will discuss the myriad of coping strategies the bi-national same-sex couples I interviewed employed in order to support their relationships and enhance their emotional health.

6.2.1 Planning

The first coping strategy entailed a continuous process of planning and brainstorming for additional and often creative immigration alternatives. As I discussed previously in chapter four, many spouses had limited knowledge about DOMA. Thus, in response to the barriers they encountered along the way, the spouses started to research DOMA and follow the *Windsor* case more closely. This strategy served two main purposes: to raise awareness and understanding

about all possible options available to them and to prevent the spouses from making choices that could compromise or complicate their immigration chances.

Both of these reasons were paramount in Claire's ongoing research, and a new found interest in the *Windsor* case as she started "following it quite closely, when [she and her spouse] were wondering about what to do to make sure [they] could stay together." For other couples, such as James and Pablo, investigating immigration laws and policy change proposals increased their anticipation for the often-rumored immigration amnesty. The hope for imminent amnesty and/or the passage of one of the versions of the Uniting American Families Act kept them emotionally afloat in their hope for the policy change that would finally allow them to live without fear of deportation. For Pablo, however, this strategy engendered substantial personal consequences; after overstaying his tourist visa upon meeting James, and after many years waiting for the possibility of amnesty, he found himself living a reclusive lifestyle, which kept him mostly isolated and depressed. He described how his reliance on hope led to a decade of seclusion and psychological impairment:

There was so much talk about amnesty – that it could happen at any moment. This was one of the things that make you hope and wait. It looked like every year there was gonna be a solution. Every year it's going to happen, the amnesty. What I heard on TV is that it was bound to happen soon because the last amnesty was ten years ago, and it's likely to happen every 10 years. So, for sure, it had to be happening soon. So, one year went to the next, to the next, to the next, and I am just waiting.

The search for immigration-related information also led to some more creative strategies. Such was the case of Emily and Manisha, who after running the typical immigration scenarios in their heads – such as moving abroad, having Manisha become undocumented, or return to school – also discussed the idea, in jest, of Emily legally changing her "sex" in Washington State. According to the websites and online groups Emily and Manisha followed for information,

Washington State had a simple legal “sex” change process and required little documentation. After legally changing her gender, Emily could apply for an adjustment of immigration status with Manisha as a legal heterosexual spouse. According to the couples I interviewed, these types of planned strategies were often a reflection of their beliefs that the marriage laws and that the sanctioned definition of marriage was inconsistent, outdated, and based on fears and prejudice. While such a strategy may appear extraordinary, the process of imagining and planning served as coping mechanisms to help the couples endure their instability and their feelings of hopelessness.

6.2.2 Financial considerations

As I discussed in Chapter Five, readily available funds allowed all the couples in this study to consider and implement at least one of the immigration strategies that I have discussed in this chapter such as work visas, additional education, living abroad, maintaining multiple households, and finally, hiring legal representation. On the other hand, immigration barriers also led to many financial challenges. Thus, it is not surprising that those couples with lower income experienced more difficulties. In order to survive on limited incomes and with higher personal expenses, many couples implemented budgeting strategies, or as Samantha put it, “the normal things that working class people do to get by.”

In addition to the higher cost of living and personal expenses, the immigration process itself is cumbersome and costly. Consequently, even if an immigration option was available, paying for the process and/or affording legal representation was not financially possible for all. While immigration attorneys are not required to initiate the immigration process, 28 (93%) of this research’s participants were reluctant to file immigration petitions without legal guidance. According to Katzmann (2008), legal representation enhances the success of immigration proceedings. However, he also stated that poor immigrants, in particular, lack access to

appropriate legal representation. That was the case for Victoria and Ashley who believed they would be able to immigrate to the United States finally, but felt overwhelmed with all the legalese and the prohibitive costs of hiring an immigration attorney:

Financial and legal was one of our biggest [concerns]. I mean, when you've got financial issues, you can't really obtain a lawyer that's going to give you the best possible advice, so you just don't do anything. I did try once to get a lawyer, but it was way too expensive. So, we just sort of lived our lives not being able to number one: secure an attorney to help us, and number two: being nervous about doing it. I mean, what if we don't get the right person? Do we talk to somebody here, or do we wait until we get in the United States? And I'm understanding that it's better if we do it when we're there. All these questions affect our daily lives because it's just not something that we can make a decision like: "Okay, let's do this, and let's pick a time, and let's do it." But, I mean, I know we're going to have to [make a decision] because we're selling this house and we're doing it. We're going to go. I know it because we're both very determined people that it's going to happen. But just the thought of it is nerve-racking at times.

Because many couples had to deplete their financial resources to support their relationships, rebuilding economic stability, particularly in the face of an expensive immigration process, continued to be a challenge. Thus, couples who could afford to hire an attorney, or who were able to rely on their social networks for financial support and legal contacts, were much further along in investigating proper immigration avenues. Unsurprisingly, after the *Windsor* decision, these same couples were also much further along in adjusting their immigration status. These are few of the reasons why their personal support systems became paramount as a vital source of emotional strength to counteract the ongoing dilemmas.

6.2.3 *Personal support system*

A strong support system allowed the bi-national same-sex couples I interviewed to face their situation with unwavering resilience. Nevertheless, I argue that reliable support systems were not happenstance, but yet another survival strategy to lessen the couples' concerns with

self-presentation and avoid negative reactions. This was particularly the case in situations where couples were more likely to experience adverse reactions, such as when living abroad. To this end, they tended to surround themselves with a community of care and support, which helped shield them from negative interactions and experiences.

This strategy was essential for the couples who were residing in countries where they felt it was necessary to hide their relationship in order to avoid possible confrontation and physical harm or family conflict. That is why Ricardo expressed the need for discretion and subterfuge as a strategy. Accordingly, even while living with his husband in his home country in Latin America, he confessed, “aside from a few people, nobody knew [they] were in a relationship.” Ricardo’s statement reveals a hint of isolation that was often present in the narratives of the couples who could only be out to a select group of supportive friends and family members.

Interestingly enough, even if reaching out to other bi-national same-sex couples for support would appear to be a practical and consoling strategy, only five couples I interviewed personally knew other couples facing similar circumstances. Paige acknowledged the potential benefits of having a bi-national support system that could empathize with their struggle but said that even if it might have been possible to find other couples, she believed that her particular situation was too overwhelming. That was because her personal concerns, such as completing her graduate studies, raising a young child, and helping her spouse find another job, consumed all her time. She admitted having no additional time to seek the support of other bi-national same-sex couples.

Even so, the consensus among the spouses who were able to connect with other bi-national same-sex couples is that it was extremely helpful in creating a sense of community and fostering resilience. Laura stated that meeting other bi-national same-sex couples made her

realize that they were not on their own. Grace described her and Samantha's situation as similar to being stranded on an island with no help in sight but also said that talking to other couples made her realize the importance of sharing information to lessen their burden and give them hope. Finally, Olivia supported this idea by explaining that the legal considerations of her relationship with Isabella made her feel "alone in this sea of rules and regulations that were hard to navigate because the government does not make it easy. The forms are complicated, and you need an attorney to read them." By reaching out to other bi-national same-sex couples, they not only felt energized by some of the success stories, but they also came to appreciate their own good fortune and privilege.

However, support systems consisted of much more than just knowing and communicating with other bi-national same-sex couples. All couples I interviewed relied on some form of community of care, which could emerge simply by having the privilege to reside in certain geographic locations such as socially progressive cities, LGBTQ friendly communities, or working in a particular field such as academia. In essence, social and cultural capital served as a source of relief and comfort. Conversely, as I discussed previously, most of the couples I interviewed were not always free to choose their geographic locations and work options. Accordingly, reaching out to online communities, including organizations in support of LGBTQ rights, was a more accessible source of personal support and served as a gateway to activism and social mobilization.

6.2.4 Online community and social mobilization

One of the goals of this dissertation was to investigate the extent of bi-national same-sex couple's engagement with social mobilization and activism toward marriage equality. While I expected to find active involvement in organized mobilization, the couples I interviewed

described involvement that was passive or indirect. In essence, their participation was mainly limited to desktop activism as they sought information online to educate themselves and others, following news updates, signing online petitions, and sharing information on social media. By reaching out through the internet, many of the couples I interviewed were able to draw comfort and support from online resources and communities of care.

Online resources and communities became a virtual form of reference and fact checking where couples could go for information and/or commiserate, while, at least initially, maintaining their anonymity. Online resources and communities also served as sounding boards for planned strategies, and for updates on marriage equality news and on changing policies and laws across the nation. For Paige and Hailey, Lambda Legal was their go-to online resource, which helped them understand the overwhelming influx of information. According to Paige, “[they] followed mailings from Lambda Legal because things were changing so fast in different states regarding what it meant to have civil unions in your state, and what that would mean immediately after DOMA, and all of that stuff that was super confusing.” Emily and Manisha implemented a similar approach by following the Supreme Court blog for updates judiciously. Once section three of DOMA was struck down, they continued to use the internet as a way to keep track of the progress of marriage equality in the United States. According to them, active information seeking served as a coping mechanism to maintain their focus and optimism alive.

In addition to information seeking in an effort to keep abreast of the latest marriage equality news and efforts, social media made it possible for people to be passive/couch activists. In the case of bi-national same-sex couples, the possibility to engage in cyber activism provided a sense of anonymity, and thus safety. Grace described her cyber activism as a way of “sharing and posting, and sort of rallying the troops.” Through subscription to newsletters about

immigration, marriage equality, and bi-national same-sex couples, spouses could not only inform themselves, but they could also share information with their social networks. While most desired anonymity, sharing one's stories online was another common strategy that allowed couples to engage in more visible activism.

Seven couples I interviewed elected to share their stories and experiences online openly. Sharing their stories served as coping mechanisms for both the writers and other bi-national couples who read them. The couples I interviewed with online accounts of their stories indicated personal validation and education as their primary goals. These personal accounts ranged from posting on The DOMA Project website, which collected and published personal stories of bi-national same-sex couples, personal blogs, granting formal interviews, as well as video appeals. Emily described her positive experience and development of a community of care through the posting of a video on YouTube about her relationship with Manisha:

We got hooked up with Immigration Equality, and people started finding us on Facebook, and people started making comments on the video on Facebook and YouTube, so we started to build this group of people who had gone through the same situation. There was no one that we became really close friends, and that we reached out for support, but it was certainly comforting to know that we were not the only ones going through this.

Avoiding isolation and having the encouragement of unknown but supportive others galvanized the couples who shared their stories to endure. Their willingness and ability to share their stories also comforted couples who preferred to remain incognito.

Everyone I interviewed acknowledged reading the accounts of other bi-national same-sex couples online. Being aware of the plight of other couples thought these stories served as an effective coping mechanism for the readers. What is more, through reading and hearing the accounts of others, the couples I interviewed acknowledged their privileged circumstances that allowed them to persevere despite the difficulties they experienced. This realization served to

ground them and to keep them focused on their ultimate goal of maintaining their relationships.

As Paige stated:

There were other couples whose stories were 10 times more heartbreaking. Because the thing about Hailey and I is that we have a lot of privilege in our education. We are solidly middle class, and that gives us some options to work with. But if you are poor and gay, you can't really buy your rights, and if you are poor and gay, and in a bi-national relationship, your ability to figure out a way around the system is totally absent. You have to have money, and resources and upward mobility to be able to constantly shift strategies and make changes so that you can keep your partner in the country with you. So, we heard some stories about people who spent 20 years apart – it was terrible.

By comparing their troubles to those of other less fortunate couples, the bi-national same-sex couples I interviewed were able to appreciate their own privilege, thereby lighting their burden.

As Isabella simply stated, “it was sobering.” This self-awareness and sense of gratitude were especially true when the stories they read and shared online represented even harsher conditions than their own daily experiences. In summary, online narratives provided a sense of perspective through an awareness of existing degrees of oppression. Accordingly, these couples came to understand that their personal situations were not as hopeless as the experiences of other couples. That is not to say that they were thankful for their situations. However, the online accounts provided a newfound awareness regarding their personal options and resources that provided the possibility of a happy ending.

While social engagement was not as pervasive as I expected, there were logical reasons for many of the couples' apparent reluctance to take an active and visible role on social mobilization. Chief among the couples' concerns was fear of the potential immigration-related consequences of overt activism. Most of the couples I interviewed had valid concerns regarding the possible threat of separation because their ability to remain together was at the mercy of immigration policies and out of their control. By announcing themselves publicly, they would

expose their vulnerable immigration standing, and according to them, possibly threaten the status of their relationships. Simply put, social mobilization requires that one move beyond one's own personal vulnerabilities to accept the potential consequences of one's public actions. In the case of bi-national couples, the likelihood of separation was often too much to bear. Therefore, anonymous information seeking and sharing, along with other virtual activism, were the alternatives of social engagement they were willing to risk.

In addition to personal trepidation, the foreign-born spouses often questioned their right to political involvement. While the only legislated regulation regarding civic engagement by foreign nationals pertains to contributing and soliciting funds to elections in the United States (Federal Election Commission 2003), spouses remained cautious. For instance, Jovan explained that he avoided direct involvement in any type of activism or organized mobilization not because he did not care about marriage equality, but in order to avoid violating his F-1 and later H-1B visa statuses.

Finally, in addition to fear and legal restrictions, many of the couples I interviewed discussed their history of active engagement with the overall gay rights movement and other social problems, which they believed curbed their level of involvement. Even if they felt strongly about LGBTQ rights, they believed that marriage equality was only one of many pressing social needs. Henry described his many years of work with HIV and health equity, and explained that while marriage equality was important to him, it was not "his calling," and that educating friends and family on a personal level, as well as sharing his story and participating in research such as this were adequate contributions to the cause.

Immigration considerations and personal calling aside, social pressure presented another formidable barrier to engaged mobilization. To this end, the idea that the gay movement was

losing its edge among some of the couples' social networks discouraged some of the spouses I interviewed from being more vocal both among their acquaintances and in public. Thus, while a few of the couples I interviewed had conflicted feelings toward the institution of marriage, there was a sense of resignation, and acceptance that their reality demanded that they marry for practical reasons. This approach, however, did not always match with the philosophies of some of the spouses' social networks, leading to occasional conflict and frustration. For instance, Alexis felt extremely frustrated with friends she described as too radical and unable to understand her and Claire's vulnerable situation:

I definitely felt really aggravated with a lot of my friends who are too radical for marriage, and the way they think: "Oh, marriage is heteronormative, and we don't need that because we are, you know, too radical." But these are the same people who support the American dreamers, and all this stuff that is really normative too. I felt like there was a lot of immigration status privilege that they had where they're not acknowledging that some people have other reasons for marrying. It's not because everybody is totally naive and buys into a patriarchal model, and only you can see through it. There're lots of different issues that you might try to be navigating where marriage is one way that you do that. I mean, it's not the only way, but it's one way, and they were not paying attention to the fact that people are living their lives in real time.

Finally, while feeling connected to other bi-national same-sex couples was comforting, all the couples I interviewed were also aware that connectedness and validation, while effective as coping mechanisms, did not address the couples' sense of ultimate powerlessness. For Arvin, following online news resources and organizations, as well as reading the stories in the DOMA Project website was helpful; yet it would do nothing to change his immigration situation or provide any new viable alternatives.

6.3 Conclusion

In the face of a strict and unforgiving immigration system, bi-national same-sex couples compartmentalized their options, and, for the most part, made rational and meticulous decisions by strategizing and taking into consideration the consequences of their actions. Ultimately, following the law, as much as possible, was essential, as it could determine their futures together as couples. For this reason, there were clear efforts to minimize decisions that could jeopardize their ability to qualify for legal immigration whenever that became a possibility. In this sense, active social activism and mobilization were privileges that most of these couples, and in particular the foreign spouses, did not enjoy.

Before the *Windsor* decision, strategies revolved around attempting to gain immigration status in the United States through non-immigrant visas such as student, work visas, or even through entering the green card lottery. However, as these strategies often failed, and because both student and work visas are unlikely to lead to residency, international relocation and maintaining long-distance relationships were often a more viable, if not costly, option. The *Windsor* decision addressed many of the immigration concerns of bi-national same-sex couples and produced a rush to marry as a direct response to immigration requirements. Legal marriage was an essential strategy, which granted the last and desired option: the possibility of attaining and maintaining legal immigration status in the United States. That is not to say those marriage decisions were fraudulent. To the contrary, all the couples I interviewed took their commitment to one another seriously. What is more, eight of the couples had had commitment ceremonies, civil partnerships, or legal weddings before the *Windsor* decision, while four other couples had been together for more than ten years and considered their relationship akin to marriage. Nevertheless, having their relationships recognized at the federal level granted these couples the

ability to come and go as a family and to live together without the constant threat of unwanted separation.

In terms of bi-national mobilization, social engagement presented itself as a fragmented community that attempted to reach out and get information and support online as needed. This approach was in direct response to their immigration restrictions and reflects the fact that bi-national couples were scattered across the globe and unable to participate in ongoing in locus mobilization. Additionally, the distinct needs of each couple meant that immigration options were individualized. The couples I interviewed were worried and stressed by their own personal situations, navigating their own individual immigration concerns, other personal barriers, and threats. Accordingly, forming a community or reaching out for support was not a critical priority in their lives. What is more, the vulnerability of one's immigration status made it feel risky or even dangerous for spouses to participate in social activism and mobilization. Finally, the immigration system itself curbed the possibility of social mobilization by proscribing social activism.

Overall, there were three distinct groups of bi-national same-sex couples whose specific needs guided their particular strategies: 1) the couples who were in the United States, and were able to exist without immediate visa concerns (5 couples); 2) a group that endured separations and long-distance relationships (6 couples); and 3) a group that had no other option but to live abroad (4 couples). While marriage equality would have addressed the needs of all three groups, their disparate (albeit similar) concerns meant that they were also distant and isolated facing their own immigration, financial, and personal struggles. While formal organizations such as *Immigration Equality* and *The DOMA Project* provided information, advocacy, and in the case of

the latter, a platform for personal accounts, they were merely temporary arenas for unity and respite because they could not provide a resolution to their immigration problems.

Additionally, because the bi-national same-sex couples I interviewed were mostly isolated from one another, they could not rely on the physical presence of other bi-national same-sex couples for support. Consequently, they had to draw resilience from virtual support systems, isolated activism, and personal persistence. For the couples who resided in the United States with looming visa deadlines, it was vital to find a possible immigration alternative that would allow their families to stay in the country legally. The couples living overseas often found themselves embedded in their immediate local cultures, immigration concerns, and fights for equality. Essentially, they distanced themselves from the politics in the United States. In other words, planning and employing strategies required time and the ability to focus on something else than one's own immediate concerns. The capacity to engage in social mobilization also depended on some level of privilege, and a state in which one's future lifestyle would not be challenged by possible acts of civil disobedience. Finally, because the couples I interviewed experienced different immigration circumstances, financial need, and support systems, it is evident that they would also experience the outcomes of their strategies differently. In Chapter Seven, I explore the ways in which the strategies I discuss herein both succeeded and failed, as well as the consequences of the *Windsor* decision in the lives and future opportunities of the bi-national same-sex couples in my study.

7 OUTCOMES

In addition to carefully investigating, planning, and implementing a variety of strategies to be together, the couples I interviewed were mindful of the difficult choices they had to make, potential consequences, and the far-reaching outcomes of pursuing their relationships.

Accordingly, the participants considered and hoped for various positive results, without failing to anticipate negative outcomes. While the vast majority of the couples in my study stated that they did not experience overt individual discrimination, there were many instances of other negative consequences at the personal level such as stress, depression, and insomnia that could also qualify as adverse reactions. Nevertheless, the spouses were also rewarded for their steadfast commitment to overcome all obstacles together. This chapter will describe both the negative and the positive outcomes of the strategies I discussed in Chapter Six, as well as the aftermath of the *Windsor* decision in 2013 for my research participants.

7.1 Negative Outcomes

While the bi-national same-sex couples I interviewed attempted to plan and prepare for failure, navigating the impact of negative outcomes was challenging for all. Even if 26 (87%) participants in this study denied experiencing direct prejudice, adverse consequences were clearly present. In effect, 27 (90%) participants admitted to having experienced some level of emotional upheaval that took a toll on their mental and physical health. Among their many areas of concern, immigration barriers, financial struggles, and forced separation left couples devastated and lead to feelings of frustration, fear, anger, and hopelessness.

7.1.1 Frustration, fear, anger, and hopelessness

Frustration, fear, anger, and hopelessness were the most often cited emotional consequences of living through DOMA's related legal restrictions. The lack of immigration options and doubts about the future fueled some negative feelings, producing both psychological and physiological symptoms. Emily's frustration with the lack of choices and costly immigration process manifested itself physically through frequent nausea and vertigo, while Nathan revealed his battle with insomnia and emerging feelings of hopelessness. These consequences were "a

constant source of worry” and affected couples on a daily basis by causing sustained stress as well as relationship-related conflicts, such as arguments about ending their relationship as it happened with Laura and Camila.

In addition to frustration and fear, the U.S. citizens in my sample often expressed anger toward the United States due to its discriminatory immigration practices, which left them feeling like second-class citizens. Strictly speaking, their anger was not in response to their individual dilemmas, but rather in reaction to the hypocrisy of “democratic” U.S. ideology that preaches equality and human rights, yet refused to recognize same-sex relationships. Couples often expressed anger and embarrassment that the “U.S. was slow to jump onto this sort of changing environment,” and shame that the nation was behind other countries such as Portugal and Argentina, which were not perceived as world leaders, but had surpassed the United States in terms of human rights initiatives by executing marriage equality.

Among the negative emotional outcomes, hopelessness led to the most enduring negative consequences by further engendering feelings of guilt, highlighting stigma, and leading to chronic depression for seven spouses in this study. For the foreign-born spouses, guilt was the harbinger of deeper emotional symptoms. That is because the majority of the foreign-born spouses I interviewed, accepted personal responsibility for the stress and dilemmas in their relationships. Hailey often hypothesized the future of her relationship with Paige by imagining having to start all over again overseas. She worried that their relationship would not survive their circumstances, and felt responsible for causing their problems. Feeling responsible for the relationship burdens appeared to add additional emotional strain and despair for foreign spouses, six of whom dealt with depression at one point during the relationship.

Years of expecting and hoping for social change coupled with the ongoing challenges of being in a bi-national same-sex relationship took a toll on the spouses who succumbed to depression. For Pablo, who remained undocumented in the United States for 10 years for the sake of his relationship with James, the emotional and personal costs were dear:

It was difficult. Technically, I was in exile. It's just not something nice to think about. I feel like I was expatriated, not because I wanted to, but because I had to. I was never a patriotic person, but it was obvious that the United States could not be my home as long as the Defense of Marriage Act was in place. It was difficult on many levels because I was not able to pursue my desired career goals while I was in hiding. We tried, but it was difficult. I didn't see anyone from my family during the time that I lived illegally in the United States because I couldn't leave the country. I was afraid that I couldn't come back if I left. I don't think I will ever be the same again. It was like living in a long darkness.

While more foreign spouses disclosed experiencing depression, a life of constant uncertainty and fear meant that their U.S. partners were not free from feelings of hopelessness and despair.

For the U.S. spouses, hopelessness presented itself through a realization that control over their personal lives and choices were elusive. Elliot described feeling out of control and out of options by explaining his discouragement with the negative rhetoric in opposition to marriage equality:

That was something that was kind of hard to deal with and that I would try to explain to others. It also felt hopeless. You could see the potential for progress, but it was so slow, and it felt so personal sometimes too. The arguments against people in our situation were not logical arguments. They were very personal, hurtful arguments.

The ongoing attacks on efforts toward marriage equality led to despair and doubt regarding the possibility of impending social change that would mitigate many of the couples' immediate immigration and financial concerns.

In addition to guilt, isolation, discrimination, and the uncertain outlook toward marriage equality, unwanted separation also led to feelings of hopelessness. Once couples found

themselves without alternative immigration recourse, and when relocation was unfeasible, temporary separation was the most likely outcome. Maintaining a long-distance relationship amidst immigration constraints meant that the couples in this situation were uncertain about the length of their separation. The inability to foretell the duration and outcome of their separations was a major threat to the relationships of couples who faced this dilemma. Carolina and Laura considered divorce because Laura longed to return to the United States, whereas Carolina had been denied multiple visas. While discussing the period in which they lived apart, Carolina discussed the impact of being unsure of their future, explaining that it “was not the amount of time [they were] going to stay away, but rather the not knowing.” Ultimately, she described the uncertainty as a “killer,” for keeping them from living their lives and choosing what was best for them as a couple, leading to a seemingly unending cycle of frustration and apprehension.

7.1.2 Personal costs

In this section, I aim to explore the consequences of the personal concessions spouses had to make in order to maintain their relationships. In particular, the spouse who chose to do so, or who was able to relocate internationally, displayed an extreme amount of compromise in support of their relationships. However, the personal outcomes of moving abroad were often costly. Among the negative consequences were strained family relationships, postponed educational goals, delayed careers, and relinquished personal comforts.

While most of my sample declared having supportive family members this reality was not the case for all. In fact, nine (30%) participants discussed feeling troubled or guilty due to strained relationships with parents who were distrustful of or opposed to their bi-national relationships. For instance, Ashley discussed how her adult son would no longer talk to her after

she began her relationship with Victoria, and Henry's parents who would not speak with him for a whole year because of his relationship with Miguel.

In addition to strained relationships, international relocation also meant living away from family members and friends for long periods. While this is not a circumstance that is unique to bi-national same-sex couples, the difference is that these family separations were an unexpected and unwanted outcome that many did not anticipate or fully prepare for when first entering into their relationships.

What is more, relocation also meant, for the most part, limited educational and career opportunities. Delayed educational goals meant that some of the spouses were unable to start on their desired career paths. For instance, Laura gave up an assignment with the Peace Corps, and Nathan withdrew from a Ph.D. program and resigned himself to an unrelated and unfulfilling job in Latin America. Even Henry, who had a profitable and fulfilling career abroad, had to ultimately delay his aspiration for a tenure-track faculty position in the United States.

Living abroad also meant adapting to new cultural norms and standards of living. Strictly speaking, U.S. citizen living abroad, and particularly in Latin America, had to renounce many of their personal comforts. Laura, who moved from a suburban Midwestern neighborhood to one of the largest slums in South America, described her experiences abroad as "a big shock," in contrast with what she had envisioned for her life, which included a tour with the Peace Corps and graduate school.

While the U.S. citizens who moved abroad were more likely to discuss the personal costs they experienced, expatriated foreign spouses also faced personal challenges. For a few foreign-born spouses, relocation led to positive outcomes by introducing them to new career options or additional educational opportunities. However, family strain due to long separations and career

stagnation were also concerns as some foreign spouses lacked a full understanding of the possible ramifications of family separation, and of having one's career options at the mercy of the U.S. immigration system. The case of Pablo is particularly poignant and epitomizes the concept of personal cost.

Pablo, a South American who overstayed a tourist visa after meeting James, spent one decade living in isolation as an attempt to avoid deportation. He explained that the deportation stories he learned through the media and online kept him from making friends, finding a job, trying to further his education, and improve his English language skills. While he never intended to overstay his visa, once it happened, and without alternative legal options to stay with James, he hoped for the possibility of an imminent immigration amnesty policy. The long years of waiting for the amnesty that never came led to emotional and physical symptoms, and sobering personal outcomes:

I was hiding in an apartment just to be with him and hoping that something was going to happen; that amnesty was going to happen. My life stopped for 10 years, and I felt so bad psychologically that I started...It is gonna sound funny to you, but I started to lie about my age. I lied to myself. So, I took away exactly the years that I stayed inside that apartment, and I started to convince myself that I was ten years younger. And then, years later, my brother told me that my dad was sick. But I was in love, and that changed everything. I didn't wanna lose him [James]. I wanted be with him, thinking that my father was going be okay and that the amnesty was going happen at any moment, and I'm gonna be able to go home and come back. I even planned to bring my parents here, you know? Half a block from here is a spa, and I thought that I would take my mom to that spa because she is always busy, and I thought it was gonna be good for her. So, I had these dreams about the things I wanted to do with my parents when they visited. I thought that one day we would all be together, but the time was not right.

But my father did not get better, and I went home but did not make it in time. My dad was not there anymore, and I couldn't return to

America, and [James] had been everything for me. He'd been my family because my family was so far, and I really needed him, but we could only talk on the phone. And it was horrible because I'd lost my dad, and I had also lost [James]. And now, that everything is over, and I have my green card; I could be with them here or there together and happy, but they are gone.

As Pablo's account exemplifies, the personal costs took a long-term toll on bi-national same-sex couples. His account reveals another consequence of undocumented immigration: the likelihood of personal negative outcomes that may not go away (even once spouses live together legally). Nevertheless, the couples who participated in this study demonstrated an immense amount of resilience and ability to divert themselves from their negative situations by remaining optimistic, acknowledging their privilege, and relying on the strength of their commitment to one another. Their hope was bolstered by internet resources and, on occasion, activist efforts to fight discriminatory laws.

7.2 Positive Outcomes

Although frustration, fear, anger, and hopelessness were common themes during the interviews, all participants discussed their relationships in a positive light. Due to the timing of these interviews (most of them occurred after the *Windsor* decision, and a few after the *Obergefell* decision), the overall tone of the participants was one of relief, hope, and excitement for a future that appeared to be full of possibilities and without fear to enjoy their lives together. Ultimately, 27 (90%) of the participants held optimist views of the future. Before the *Windsor* decision, the U.S. citizens, in particular, expressed negative feelings and anger toward the United States. However, they were also confident that justice and equality would prevail. Elliot described both his disillusion and a positive outlook for the future:

I was angry about DOMA, and that [Arvin] and I had to separate for a while, but I also felt that the United States eventually gets things right – in most cases. It takes us a lot of time to get there,

but I always feel proud that our country tends to do the right thing over the long run. And after the Supreme Court decision, it felt like it finally got there on this particular issue, and it made me feel that the American system was working the way it is supposed to and that I am finally recognized by my country more than ever before.

In addition to being hopeful that marriage equality would eventually be a reality, and that all their immigration concerns would be addressed, many of the couples I interviewed were also able to put their situations into perspective by acknowledging the positive impact of their immigration and financial dilemmas in strengthening their bond and commitment to their relationships.

7.2.1 Commitment as strength

Despite the dilemmas, difficult strategies, and negative consequences they disclosed, the spouses I interviewed identified their commitment to their relationships as the main source of their resilience and ultimate success. Not only were the couples dedicated to investigating alternatives and taking any possible steps to be together in the long-term, the process of navigating the immigration barriers (and their consequences) also served to strengthen the couples' commitments to one another.

Ironically, the obstacles they faced, ultimately had a positive influence on their relationships. That is because having had experienced and overcome the most difficult obstacle of their relationships, they now felt prepared to face any other challenges. As Hailey explained, their experiences gave her a more positive outlook on her relationship with Paige. While she wished they had not gone through those difficulties, she realized, in retrospect, that their struggles revealed that “[they] had much to fight for,” and their trials had “made [their] relationship much stronger.” The *Windsor* decision in July of 2013 further vindicated the

couple's commitment to one another and provided them with an immense triumph: the legal endorsement of their marital relationships.

7.2.2 *Legal endorsement*

The *Windsor* decision was monumental because it provided legal recognition of same-sex marriage, where it was allowed at the time, for the purpose of federal benefits. Accordingly, it granted bi-national same-sex couples with the opportunity to adjust their immigration status on the basis of marriage. For four of the couples in the study, the *Windsor* decision meant that the foreign-born spouse could remain legally in the United States, pending the immigration process. For the eleven other couples in my sample, it meant the ability to initiate the immigration process to allow for legal immigration into the country. The opportunity to finally live together in a community of their own choice in the United States was an invaluable achievement and assuaged most immediate concerns. Claire summarized this sentiment of relief and hopefulness by affirming that "The DOMA decision gave us the freedom to be together and not apologize about it."

The legal endorsement of same-sex marriages by the federal government granted these 15 couples to demand a rightful place into the social marriage construct. Thus, even if not all U.S. citizens accepted marriage equality, all the couples in my sample were confident that after the *Windsor* decision, and even more so after the *Obergefell* decision, everyone they encountered could at least understand the legal standing of their relationship. Nevertheless, having their relationships recognized by the federal government meant access to the ultimate immigration recourse, but did not endorse the relationship itself, which they felt were sufficiently established. In other words, Federal endorsement provided respite from the constant stress and the uncertainties of living on borrowed time. What is more, many participants appear to believe that

the federal sanctioning of same-sex marriage curbed the potential for adverse reactions when publicly disclosing one's relationship status as Emily explained:

It has been kind of amazing to me. In any long-term relationship, I have been in I have referred to that person as my spouse. That has just been my point to make, but it is completely amazing that when I tell people now that [Manisha] is my wife, there is not this kind of, "oh look how cute, the gay people acting like they are married." Now they are like: "oh okay, you are married." It is really kind of amazing. Like kind of overnight that legal piece of paper, which I don't really consider to be our real marriage date, that piece of paper is just so the federal government can get the fuck off. But for other people, it is amazing how validating that piece of paper is. So, when I tell that she is my wife, they are like, "Oh, okay." It is like no discussion, no conversation, just "okay," as if overnight it all made sense.

Being able to have others finally acknowledge the legitimacy of one's relationship carried weight and mitigated frustrations and insecurities. The Federal endorsement served to legitimize the relationship in the eyes of others – particularly those who were not part of the supportive communities these couples tended to navigate.

Some of the participants also discussed their perception of an improved social climate immediately after *Windsor*. Even if not long-lasting, in general, the participants concurred that the *Windsor* decision was an important step in discrediting some of the vocal voices that prior to the verdict would use the law as leverage for abuse and individual discrimination. Simultaneously, 26 (87%) of the participants also stated that they felt more confident in their ability to cope with any remaining outspoken objectors.

The *Windsor* decision allowed most of the couples I interviewed to start making long-term living arrangements. In effect, the vast majority of the couples in this study who were living abroad were able to relocate to the United States after July 2013. While four (27%) of the couples I interviewed were already residing together in the United States before the *Windsor* decision, after the decision, seven additional couples relocated through a spousal sponsorship

process. In addition to the 11 couples who were now living in the United States, three more had plans to relocate in the near future. Even the lone couple, Olivia and Isabella, who had decided to stay abroad perceived having the option to immigrate to the United States as a positive achievement worthy of celebration. They stated that the *Windsor* decision provided them with “insurance and peace of mind.”

Finally, the *Windsor* decision also enabled some of the foreign-born spouses to reach out to their families abroad and explain their relationships in terms their families could comprehend. This was particularly important for repairing familial bonds that had been damaged through ignorance, intolerance, and due to different cultural expectations. For Manisha, the ability to assuage her father’s fears regarding the viability of her marriage was as important as gaining immigration and other financial-related benefits. In essence, being able to explain that their newborn daughter was part of a sanctioned relationship and that her marriage granted her immigration and other financial benefits meant that she no longer had to address inquiries about the wisdom of being in a relationship with another woman. As she put it, she felt empowered to be able to declare that she could “be married to the person that [she] loved, have a family, and still have the immigration taken care of.”

Thus, by legally endorsing same-sex unions at the federal level, the *Windsor* decision fulfilled a myriad of needs. It not only granted much-needed immigration relief for many couples, it provided validation of their relationships, and it also alleviated some concerns regarding the attitudes and reactions of others including extended family members. The *Windsor* decision expanded the definition of marriage to accommodate same-sex couples and created a new legal definition of marriage that resonated culturally. Simply put, objectors of marriage equality had no option but to accept the new federal definition of marriage as a legal union

between two consenting adults. Any disagreement with the federal decision or personal stance regarding the definition of marriage had no direct impact on the benefits the federal government now granted these relationships. As such, for same-sex couples, there was no further need to define or explain their relationship. If they introduced themselves as married, a detailed explanation of any particular stipulation was no longer necessary. In summary, for the participants in this study, there was the feeling that their lives could finally be stable enough to shift focus into nurturing their dreams. The *Windsor* decision allowed them to finally enjoy their relationships and focus on their long-term goals.

7.3 Conclusion

The lives of the bi-national same-sex couples I interviewed were rife with challenges, which necessitated establishing coping mechanisms, strong support systems, as well as relying on unwavering commitment. In order to persevere as couples, they had to endure difficult times with real consequences that ranged from health issues to sacrificing personal aspirations. Nevertheless, the same-sex couples I interviewed indicated that the *Windsor* decision improved their quality of life and their outlook for the future. The ability to sponsor the immigration of one's spouse was momentous. It went from something abstract to a new reality that enhanced self-concepts as well as perceptions of equality in the United States.

Before the *Windsor* decision, the couples I interviewed discussed having their rights violated, and their relationships disrespected. The foreign-born spouses disclosed feeling imprisoned and under constant surveillance because they lacked the freedom to come and go. In this regard, the *Windsor* decision went a long way toward granting them a sense of being complete human beings with full rights. Therefore, it is unsurprising that all research participants

described the Windsor decision as “life changing,” and immigration as the “key issue” in their lives.

Yet, the legal sanctioning of same-sex marriage at the federal level had a deeper reach than being a mere outlet for immigration rights. All the couples in my sample stated that having a legal marriage certificate was not as important as their enduring commitment to one another. Nevertheless, even if the validity of their relationships was independent of any legal sanctioning, it remains that marriage continues to bestow a privileged social status. Accordingly, while fostering social change and expanding the definition of marriage; it is apparent that the *Windsor* decision did not weaken marriage’s influence as a social institution. To the contrary, I argue that the *Windsor* decision strengthened the institution because it granted access to a larger number of people while further marginalizing unmarried individuals.

Finally, the *Windsor* decision was not enough to mitigate the fear and financial burden many of the couples in my sample experienced. Particularly for the three couples who resided in states where same-sex marriage remained illegal, the *Windsor* decision did nothing to alleviate concerns with state related benefits and rights such as state health care, retirement benefits, and adoption rights. It was not until the Supreme Court’s rule on *Obergefell v. Hodges* declared state-level bans on same-sex marriage to be unconstitutional that the benefits of marriage expanded in a more equitable manner. Even then, other remaining and emerging challenges such as nondiscrimination policies on employment and housing, as well as fear for their personal safety continue to burden same-sex couples. Nevertheless, the consensus among my sample was that marriage was an important first step, but that additional protections and rights will require a slow but determined climb; one step at a time.

8 IMPLICATIONS AND CONCLUSIONS

In 1996, the Defense of Marriage Act codified marriage inequality and made it impossible for bi-national same-sex spouses to live together in the United States via marital immigration sponsorship. Now, more than 20 years later, same-sex marriage, along with its federal and local benefits, is a de jure right. Nevertheless, de facto discrimination continues to confront the LGBTQ community, including bi-national same-sex couples. While most of my research participants hypothesized that within a few years of the *U.S. v. Windsor* decision in 2013 and later *Obergefell v. Hodges* decision in 2015, same-sex marriage would no longer be in the spotlight as a source of social contention that has yet to be the case. Rather, the apprehension the participants expressed regarding the future of marriage equality and LGBTQ rights in general during the interviews may well have grown with President Donald Trump's oppressive agenda.

My goal was to investigate the consequences of DOMA on the options, decisions, and ultimate outcomes in the lives of the bi-national same-sex couples who agreed to participate. While it would be inappropriate to generalize the themes that emerged from the interviews with all bi-national same-sex couples who were together at the time DOMA was enacted, these findings provide a glimpse at the recurring threats, strategies, and outcomes bi-national same-sex couples experienced and may well continue to experience.

While certain themes such as immigration complications, financial struggles, forced separation, and negative emotional consequences were unsurprising, this research also revealed unique perspectives on the experiences of the bi-national same-sex couples. Accordingly, in this concluding chapter, in addition to summarizing the general findings from the interviews, I will also focus on detailing the role of commitment, racial inequality, and social privilege as three

reoccurring themes, which had considerable ramifications on the couples' strategies and outcomes. Additionally, I will discuss future areas for continuous exploration.

8.1 Immigration Struggles and their Consequences

Immigration was the preeminent area of concern and threat for the couples I interviewed. Discriminatory immigration policies fomented other areas of strife such as financial difficulties, forced separation, and relocation. The lack of legal means to enter and remain in the United States meant that career options were limited, negatively affecting incomes as well as personal career growth and career satisfaction. The combination of immigration quagmire and its resulting financial struggles meant that some couples had no choice but to live apart, or when possible, to relocate abroad. International relocation also involved many difficulties and was not a choice available to all.

Immigration fears quashed participants' desires to take on an active role in social activism. Consequently, social involvement was relegated to cyber activism, which allowed the participants to maintain anonymity. What is more, lack of connection with other bi-national same-sex couples, as well as self-imposed isolation, did not support the process that shapes the development of collective identities. In other words, no evident shared identity unified the couples I interviewed and fostered social mobilization.

8.1.1 *Race, nationality, and immigration*

While investigating race inequality was not an initial goal of my research, racial profiling or discrimination emerged as a theme in 16 (53%) of the 30 individual interviews. Among them, those who did not identify as white were more likely to be a target for immigration scrutiny and more likely to have their entry visas denied, which support the idea that the immigration policy of the United States involves profiling and barring immigrant groups the government perceives

as undesirable (Neumayer 2006). President Trump's executive order barring immigrants from seven Muslim countries as well as his intention to build a wall on the Mexican border is another obvious example of anti-immigrant scrutiny (Davis 2017). Because of a vast number of undocumented immigrants originate from Latin America (Baker and Rytina 2013), suspicious government authorities complicate visa applications by this particular group. Thus, the resulting interaction between race and nationality served as an additional immigration barrier for the non-white Latin America spouses.

Despite their many challenges, the couples I interviewed were ultimately able to overcome immigration restrictions and maintain their relationships. Notwithstanding, the personal resources that each couple had available were critical in fostering their resilience and eventual success. While social networks were helpful for emotional support and personal affirmation, available financial resources and social status were essential in facilitating certain strategies. The section below will address the role of social privilege in fostering resilience among the spouses in this study.

8.2 The Role of Privilege

Another recurring theme among the interviews was the acknowledgment and recognition of social privilege. According to 23 (77%) of the participants, privilege was an important factor in ensuring their desired outcomes. Because there were no legal avenues to circumvent immigration laws, and the majority of the couples aspired to live in the United States as their permanent country of residence, any attempts to enter or to stay in the United States had to comply with the existing law. Entering the country illegally or overstaying existing visas could jeopardize future immigration applications.

In any case, many of the existing options required certain qualities such as financial resources, particular skills, and specialized training or education. These circumstances were evident in the case of Emily who opened a consulting business as an attempt to attain a work-related visa for her wife, Manisha. The ability to open a business implies not only access to financial assets, but also education, marketable skills, and social capital. Starting a sustainable business that could potentially meet the qualifications to sponsor a foreign worker is not a simple task that would be available to anyone without financial resources or education. Unsurprisingly, both Emily and Manisha have advanced degrees, sellable skills that were in demand, and an extensive social network in which to market their services.

Similarly, the other three foreign spouses who held H-1B Visas at some point before the *Windsor* decision were able to qualify for work visas due to their advanced degrees in fields where there is a demand for highly-educated and qualified workers. In any respect, the participants in this study, 16 (54%) of whom held advanced degrees, are not representative of educational attainment in the United States or worldwide – where education beyond a bachelor's degree is estimated to be limited to 12% and 6.7%, of the respective populations (Barro and Lee 2013; Ryan and Bauman 2016). Consequently, the ability to qualify for an H-1B visa is limited to the educated elite. For couples without the option to apply for a work visa, the decision to relocate abroad also required considerable resources. Moving to another country is an expensive and complicated process, and even a temporary move requires financial and career flexibility that is not widely available.

Chosen communities, professional settings, and social capital signified participants' privileged social locations. Participants who were able to live in progressive areas, or who were able to surround themselves with like-minded people, benefited from a community of care and

avoided adverse reactions. Eleven couples acknowledged the privilege of being able to live in areas in which overt discrimination was minimal, and where they could count on a supportive and LGBTQ friendly social network. These allies were also invaluable in expanding the spouses' social capital and connecting them with direct legal service providers, immigration officials, and politicians. That was exactly the case for Paige and Hailey, who were able to access their personal contacts for pro-bono legal support to complete and file immigration paperwork on their behalf, allowing them to both initiate the green card process immediately after the *Windsor* decision and to avoid additional financial strain.

There was a marked difference between the experiences of the participants who had access to financial resources, visa alternatives, supportive communities, and relocation options, and the couples without these opportunities. Privilege was also evident through a life course lens. Individual circumstances and statuses such as race, socioeconomic status, gender, education, age, health concerns, family support, and access to financial resources influenced personal coping strategies, anxieties, and outcomes. Couples who tended to have lower incomes due to emerging careers, the gendered division of labor, and retirement described more challenges navigating immigration barriers. On the other hand, mid-adults with high educational and income levels disclosed fewer concerns with their ultimate outcomes. Adding to these interlocking social locations, an intersectional life course perspective identifies immigration as a significant life transition from which to analyze marginalization over the life-course (Ferrer, Grenier, Brotman and Koehn 2017). Accordingly, the role of privilege is varied and requires an intersectional framework that takes in consideration social roles, statuses, structural forces, and life transitions.

While all participants discussed many dilemmas and negative consequences of their limited immigration options, having certain privileges also meant that twenty-two (73%) of the participants were able to put their situations in perspective and both empathize with other couples who did not have access to the same resources and feel fortunate in comparison. Regardless of privilege, a common characteristic among all the interviewees was the priority they placed on their relationships. Without their strong emphasis on commitment, it is unlikely that their relationships would have been able to endure.

8.3 Commitment

The critical role of commitment was another overarching theme that emerged from the interviews. While the couples in this study benefited from their personal resources and social networks, their commitment to one other fostered their determination to overcome immigration barriers and to remain together despite legal dilemmas. In other words, their willingness to overcome their challenges empowered them with the wherewithal to withstand their uncertain future, uncomfortable living situations, financial difficulties, family upheaval and loss, and unfulfilling or undesired careers. Their common hopes and goals, along with their personal resources were sufficient to support their relationships during DOMA-related trials and tribulations.

On the other hand, the role of commitment also highlights a limitation of this study. Because my sample only included couples who were able to overcome immigration-related obstacles due to timing, social networks, oversea opportunities, as well as access to financial resources, it fails to shed light on all the potential reasons that led to the dissolution of other bi-national same-sex couples' relationships that were unable to withstand DOMA-related dilemmas. While many of the spouses I interviewed discussed other bi-national same-sex relationships that

were unable to survive DOMA, these were second-hand accounts of stories and situations they heard or read online.

8.4 Implications

While the couples I interviewed expressed relief and satisfaction with the outcome of the *Windsor* decision, immigration burdens and other troubles did not dissipate automatically. Some of the spouses I interviewed continued to struggle with immigration and financial challenges, which hindered their ability to apply for immigration benefits immediately. Simply put, the cost and the complexity of the immigration application forms meant that few of the spouses I interviewed were able or willing to complete the application without professional legal assistance. Twelve couples were able to adjust their immigration status after the *Windsor* decision, and one couple had decided to remain abroad. Only two of the couples I interviewed were still hoping to adjust their immigration status once they were able to save enough funds to afford the costs. Once again, economic privilege and social capital continued to be crucial elements in facilitating access to immigration alternatives, even after section three of DOMA was struck down.

What is more, the *Windsor*, and later the *Obergefell*, decisions did not establish de facto equal rights in the United States. In fact, these historic decisions highlighted many pending areas of unequal access and led to many instances of overt discrimination. Study participants all expressed anxiety about the possibility of backlash, and two couples went as far as to state that the *Windsor* decision put them in the spotlight thereby making them a target for an unexpected amount of surveillance and economic hardship.

While the right to marry was a welcomed and monumental achievement and a move toward social justice, some of the response to marriage equality has highlighted the urgency for

anti-discrimination laws to secure job, housing, and parenting rights. Since the *Windsor* decision, there has been an ongoing backlash against same-sex marriage that has included legal defiance and attempts to curb the rights of same-sex couples and other members of the LGBTQ community. Some of the specific attempts to curb the rights of LGBTQ people have included religious freedom bills that have been signed or proposed in states such as Indiana, Georgia, and Mississippi. In Kentucky, County Clerk Kim Davis refused to adhere to the Supreme Court's *Obergefell* decision that made same-sex legal, and in North Carolina, Governor Pat McCrory signed the Public Facilities Privacy and Security Act into law, which attempts to prevent transgender individuals from using public restrooms that match their gender identity (Sanchez 2016). What is more, the election of Donald Trump as president of the United States has emboldened anti-LGBTQ sentiment (Revesz 2016), anti-immigration sentiment, and racism, which further illustrates the need for continuous mobilization to gain and maintain civil rights.

Another implication of the *Windsor* and *Obergefell* decisions is their impact on future LGBTQ organized mobilization. While these were historic decisions and marriage equality was a monumental accomplishment, the research participants predicted they, and others, would likely lessen engagement with equal rights activism due to complacency. All interviewees expressed a sense of achievement and relief after years of struggle, fear, and financial burdens. In this context, it is easy to understand their desire to step back from political engagement in order to get their lives on track. In other words, the couples I interviewed could finally put the feeling of being stuck behind, focus on their families and children, as applicable, and finally, start working on the often times lengthy and costly immigration process.

Finally, the data from this study indicate the further habitualization of marriage as a social institution. In effect, I propose that the sanctioning of same-sex marriage strengthened the

influence of marriage as an enforcer of social mores and inequality. That is because by widening its definition to accommodate same-sex couples, marriage became even more influential by incorporating a larger section of society, while further marginalizing unmarried individuals and polyamorous couples. In other words, rather than weakening, the institution continues to exert its power and its influence, as it accommodates more members of society through the sanctioning of certain relationships and the unequal distribution of social and economic privileges.

8.5 Conclusion

While many couples perceived DOMA as an oppressive and discriminatory law, it was also clear that by codifying inequality, it also paved the way for same-sex marriage. DOMA encouraged the emergence of the marriage equality movement as a viable mobilization because it provided a common objective as the focus of social action. Without DOMA as a *de jure* barrier, viable mobilization towards marriage equality would have been impractical. Simply stated, by codifying unequal rights, DOMA also created a legal basis for its eventual challenge and demise.

Following *Windsor*, and later the *Obergefell* decisions, the couples I interviewed expressed a sense of calm and gratitude for overcoming a difficult time, and most were finally on their way to establishing their residency status and stabilizing their financial assets and emotional stability after years of uncertainties. Yet, despite their optimism regarding the eventual absence of marriage equality as a topic of social contest, two years after the *Windsor* decision and one year after *Obergefell*, same-sex marriage remains controversial. That is because even with an ongoing cultural attitudinal shift in support of marriage equality, policy change is insufficient to transform behaviors, and negative attitudes toward same-sex marriage remain. The recent election of Donald Trump, with his fascist, anti-immigrant and anti-queer policies, has raised additional concerns for the future of same-sex marriage and LGBTQ rights.

In any case, the consensus among the participants in this study is that social change may be delayed, but it cannot be stopped, and with time, positive attitudes are going to surpass the negative ones vastly. Furthermore, the participants were also optimistic that the marriage equality victory would encourage further mobilization and advocacy in favor of other needed legal protections such as non-discrimination laws and parental rights nationwide. Regardless of the ongoing process of social transformation and potential setbacks, the participants highlighted the critical role of allies and active mobilization adherents, particularly non-LGBTQ supporters, in buttressing equal rights mobilization efforts. Without attitudinal shift at the social level, policy change would be unattainable. The growing support for same-sex marriage indicated readiness for change and an unwillingness to stand idle against discrimination. Nonetheless, despite any potential feelings of *fait accompli*, ongoing vigilance and mobilization must remain. Increased support does not mean inclusive social acceptance and transformative change will continue to face hostility and resistance.

Finally, although laws cannot prevent discrimination, the participants suggested that heightened discrimination is a symptom of impending social change and that legislation is a decisive first step in a long climb toward social justice. At the time of the interviews, everything seemed possible and hopeful, but taking into consideration the current climate of heightened hostility toward minorities in the country after the election of Donald Trump, the future of marriage equality is unclear. Trump's emphasis on "America first," and policies that have included an executive order to attempt to bar immigration from seven Muslim countries, his intention to build a wall along the Mexican border, as well as the government unwillingness to protect the right of transgender students are reasons for alarm. It is evident that the climb toward equality is far from finished.

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APPENDICES

Appendix A: IRB APPROVAL LETTER

INSTITUTIONAL REVIEW BOARD

Mail: P.O. Box 3999
Atlanta, Georgia 30302-3999
Phone: 404-413-3500
Fax: 404-413-3504

In Person: Dahlberg Hall
30 Courtland St, Suite 217



January 14, 2015

Principal Investigator: Wendy Simonds

Key Personnel: Baunach, Dawn; Jesus Rafi, Aline; Simonds, Wendy

Study Department: GSU - Sociology

Study Title: Bi-national Same-Sex Couples in the United States: Dilemmas, Strategies, and Identities

Review Type: Expedited 6,7

IRB Number: H15276

Reference Number: 331587

Approval Date: 01/14/2015

Expiration Date: 01/13/2016

The Georgia State University Institutional Review Board (IRB) reviewed and approved the above referenced study in accordance with 45 CFR 46.111. The IRB has reviewed and approved the study and any informed consent forms, recruitment materials, and other research materials that are marked as approved in the application. The approval period is listed above. Research that has been approved by the IRB may be subject to further appropriate review and approval or disapproval by officials of the Institution.

Federal regulations require researchers to follow specific procedures in a timely manner. For the protection of all concerned, the IRB calls your attention to the following obligations that you have as Principal Investigator of this study.

1. For any changes to the study (except to protect the safety of participants), an Amendment Application must be submitted to the IRB. The Amendment Application must be reviewed and approved before any changes can take place
2. Any unanticipated/adverse events or problems occurring as a result of participation in this study must be reported immediately to the IRB using the Unanticipated/Adverse Event Form.
3. Principal investigators are responsible for ensuring that informed consent is properly documented in accordance with 45 CFR 46.116.
 - The Informed Consent Form (ICF) used must be the one reviewed and approved by the IRB with the approval dates stamped on each page.
4. For any research that is conducted beyond the approval period, a Renewal Application must be submitted at least 30 days prior to the expiration date. The Renewal Application must be approved by the IRB before the expiration date else automatic termination of this study will occur. If the study expires, all research activities associated with the study must cease and a new application must be approved before any work can continue.
5. When the study is completed, a Study Closure Report must be submitted to the IRB.

All of the above referenced forms are available online at <http://protocol.gsu.edu>. Please do not hesitate to contact the Office of Research Integrity (404-413-3500) if you have any questions or concerns.

Sincerely,


Ann Kruger, IRB Chair

Federal Wide Assurance Number: 00000129

Appendix B: APPROVED INFORMED CONSENT

Informed Consent Form

Georgia State University

Department of Sociology

Informed Consent

Title: Bi-national Same-Sex Couples during DOMA: Dilemmas, Strategies, and Identities

Principal Investigator: Wendy Simonds, Ph.D.

Student Principal Investigator: Aline Jesus Rafi

I. Purpose:

You are invited to participate in a research study. The purpose of the study is to investigate the experiences of bi-national same-sex couples in the United States. You are invited to participate because you are in a bi-national same-sex relationship, and you have resided in the United States either before and/or post the Supreme Court ruling in *United States v. Windsor* (DOMA). Between 30 and 60 participants will be recruited for this study. Participation will require approximately two hours of your time.

II. Procedures:

If you decide to participate, you will be interviewed by Aline Jesus Rafi, a graduate student at Georgia State University collecting dissertation data. The interview will include demographic questions (age, ethnicity, race, nationality, etc.) and questions about your personal experiences as one of the spouses in a bi-national same-sex relationship. Interviews will take place at a time and location of your choosing and will be audio or video-recorded (via digital recording device, Skype, or a similar online chat software) for later transcription. Interviews are expected to last two hours or less.

III. Risks:

In this study, you will not encounter any more risks than you would in a normal day of life. I think they will send it back to you without some acknowledgement of risk like this: However, talking about personal experiences may bring up painful memories. Participants may choose to stop discussion of painful subjects at any time.

IV. Benefits:

Participation in this study may or may not benefit you personally. The study may benefit society by raising awareness about the experiences of bi-national same-sex couples. Overall, I hope to gain information about your experiences navigating past and existing environments of social prejudice and structural inequality.

GSU
APPROVED IRB NUMBER: H15276
IRB APPROVAL DATE: 01/14/2015
IRB EXPIRATION DATE: 01/13/2016

V. Voluntary Participation and Withdrawal:

Participation in research is voluntary. You do not have to be in this study. You may skip any questions you do not wish to answer. If you decide to be in the study and change your mind, you have the right to stop participating in the interview at any time. Whatever you decide, you will not lose any benefits to which you are otherwise entitled.

VI. Confidentiality:

We will keep your records private to the extent allowed by law. Only Dr. Simonds and Aline will have access to the information you provide. (In the event that I am able to hire a professional transcriber, no participants' real names will appear on the digital files being transcribed.) Information may also be shared with those who make sure the study is done correctly (GSU Institutional Review Board, the Office for Human Research Protection (OHRP)). We will use aliases (false names) rather than your real name on study records. You may choose your alias to be use in this study. The information you provide will be saved on a password and firewall-protected file and computer, and stored in a locked file cabinet. Audio files of recorded interviews will be deleted once interviews are transcribed. Your name and other facts that might point to you will not appear when we present this study or publish its results. The findings will be summarized and reported in group form. You will not be identified personally.

VII. Contact Persons:

Contact Dr. Wendy Simonds at wsimonds@gsu.edu / 404-413-6512 or Aline Jesus Rafi at arafi3@student.gsu.edu / 678- 378-8608 if you have questions, concerns, or complaints about this study. You can also call if you think you have been harmed by the study. Contact Susan Vogtner in the Georgia State University Office of Research Integrity at 404-413-3513 / svogtner1@gsu.edu if you want to talk to someone who is not part of the study team, and have questions, concerns, or wish to offer input or obtain information about the study. You can also call Susan Vogtner if you have questions or concerns about your rights in this study.

VIII. Copy of Consent Form to Subject:

If you would like, I will give you a copy of this consent form to keep.

If you are willing to volunteer for this research and be audio recorded, please sign below.

Participant

Date

Principal Investigator or Researcher Obtaining Consent

Date

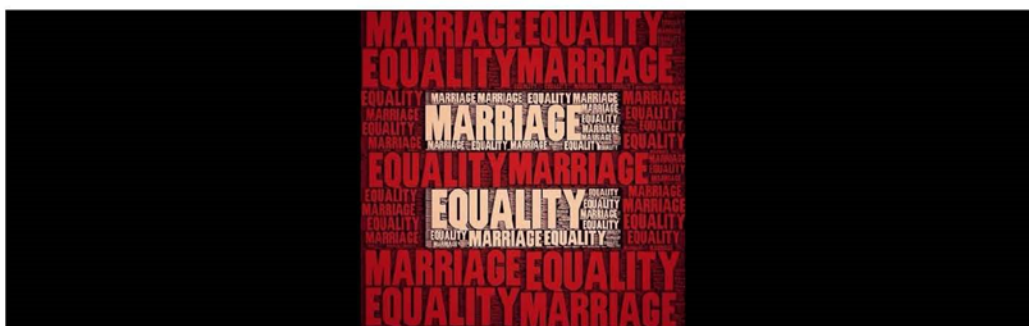
**GSU
APPROVED**

IRB NUMBER: H15276
IRB APPROVAL DATE: 01/14/2015
IRB EXPIRATION DATE: 01/13/2016

Appendix C: RECRUITMENT FLYER

Bi-national Same-Sex Couple?

Share Your Experience



Research Participants Needed

Purpose*	Eligibility	Benefits**
<ul style="list-style-type: none"> To investigate bi-national same-sex couples unique experiences during and post the United States Supreme Court ruling in United States v. Windsor (DOMA) 	<ul style="list-style-type: none"> Bi-national same-sex spouses in a committed relationship during and after DOMA Age 18 and older Have 2 hours for an interview 	<ul style="list-style-type: none"> To raise awareness about the experiences of bi-national same-sex couples navigating past and existing environments of social prejudice and structural inequality during and post the United States Supreme Court ruling in United States v. Windsor (DOMA)

**This study is being conducted for a dissertation in Sociology at Georgia State University.*

****There will be NO monetary compensation available for your participation.**

Please contact Aline Jesus Rafi:

arafi3@student.gsu.edu • 678-378-8608

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Appendix D: RECRUITMENT EMAIL MESSAGE

Subject: Research Participants needed for study about Bi-national same-sex couples in the United States.

Email Content:

PURPOSE:

To investigate bi-national same-sex couples unique experiences during and post the United States Supreme Court ruling in *United States v. Windsor* (DOMA).

ELIGIBILITY:

1. Bi-national same-sex spouses in a committed relationship during and post-DOMA
2. Age 18 and older
3. Have approximately 2 hours for an interview

BENEFITS:

To raise awareness about bi-national same-sex couple's experiences navigating past and existing environments of social prejudice and structural inequality during and post the United States Supreme Court ruling in *United States v. Windsor* (DOMA).

CONTACT:

Please contact Aline Jesus Rafi to participate @ arafi3@student.gsu.edu or (678) 378-8608.

ADDITIONAL INFORMATION:

This study is being conducted for a dissertation in Sociology at Georgia State University, and there will be no monetary compensation available for your participation.

Appendix E: DEMOGRAPHICS SURVEY AND INTERVIEW GUIDE

Demographics Survey & Interview Guide

Demographics Survey

STUDY ELIGIBILITY SCREENING

Eligible participants must answer “yes” to all screening questions. A negative answer to any of the three questions below will render the respondent ineligible. Disqualified participants will be thanked for their time and encouraged to refer other participants for the study.

Were you in a committed bi-national same-sex relationship, which started before and lasted past June 26, 2013?

☐ Yes ☐ No

Was the inability to apply for adjustment of immigration status a concern at any point during this relationship?

☐ Yes ☐ No

Are you and your spouse available to be interviewed separately for approximately 2 hours each?

☐ Yes ☐ No

BIOGRAPHIC QUESTIONNAIRE

1. Are you Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.)

☐ No, not Hispanic or Latino

☐ Yes, Hispanic or Latino

2. How would you describe yourself? (Choose one or more from the following racial groups)

☐ American Indian or Alaska Native

☐ Asian

☐ Black or African American

☐ Native Hawaiian or Other Pacific Islander

☐ White

3. What is your current relationship status?

☐ Single

☐ Married

☐ Divorced

☐Widowed

☐ Other: _____

4. What is your gender identity?

5. What is your age?

6. In what country were you born?

7. What is your citizenship or national identity?

8. For the foreign-born spouse, what was your immigration status before June 26, 2013?

9. For the foreign-born spouse, what is your current immigration status?

10. Do you have any children?

☐Yes

☐No

If yes, how many children and what are their respective ages?

11. What is the highest level of education you have attained?

☐Less than high school

☐High school diploma or GED

☐Some college or AA

☐College degree (BA, BS)

☐Master's degree

☐Terminal degree (MD, Ph.D., etc.)

12. What is your annual household income?

☐ < \$25,000

☐ \$25,000 – \$49,999

☐ \$50,000 – \$74,999

☐ \$75,000 – 99,000

☐ > \$100,000

☐ Do not wish to disclose

SEMI-STRUCTURED INTERVIEW GUIDE

Introduction: Thank you so much for your willingness to share your experiences as a bi-national same-sex couple. I do not have a fully structured questionnaire, and I hope this interview will feel like a conversation.

Knowledge

1. What have you heard about the *U.S. vs. Windsor* case?
2. Tell me what you know about DOMA.

Relationship

1. Tell me about your relationship. When and how did you meet your spouse? How did the relationship progress?
2. When did you first discuss your bi-national citizenship status? What were some of your concerns?
3. Since the *United States v. Windsor* decision, have you encountered more or less adverse reactions to your relationship?
4. How do you think your partner experienced these concerns?

Dilemmas

1. Tell me about some of the problems you faced during the period in which section 3 of DOMA remained enacted. What has been the most troubling issues or concerns as a bi-national same-sex couple (family, work, career, finances, etc.)?
2. Was the inability to apply for adjustment of immigration status a threat at any point during your relationship? If so, how?
3. How did your lives change after the *United States v Windsor* decision? Are there any remaining problems the decision failed to remediate?
4. How do you think your partner experienced these concerns?

Strategies

1. How did your status as a bi-national same-sex couple affect your everyday life?
2. What has been your experiences trying to navigate prejudices and inequalities pre and post the *United States v Windsor* decision?
3. Before section 3 of DOMA was struck down, how did you attempt to bypass immigration laws and other legal limitations?
4. Did you participate in peer networks or social media groups that discuss bi-national same-sex couples?
5. Did you reach out to other bi-national same-sex couples while DOMA was fully enacted? Why or why not? If so, were they helpful?

Identity

1. In your own words, describe what it meant to be a bi-national same-sex couple during the years DOMA was in full effect. How did it change after June 26, 2013?
2. How did your experiences as a bi-national same-sex couple influence your everyday life?
3. Did you feel any different from other same-sex couples? Why or why not?
4. When discussing marriage equality, how were your concerns as a couple different from the concerns of national same-sex couples?

5. For the American citizen or legal resident partner, how did the inability to sponsor your spouse impact your feelings of national belonging?
6. For the foreign-born spouse, do you see yourself as an American or American citizen? Did you feel the same way while DOMA was fully enacted?

Social Mobilization

1. Have you ever participated in any activism on behalf of LGBTQ populations? If so, how were you involved?
2. Are/were you aware of any marriage equality groups that advocate/d on behalf of bi-national same-sex couples?
3. Tell me about any activities you participated or groups you joined in support of marriage equality.
4. In what ways was the social engagement of bi-national same-sex couples different than the mobilization of national same-sex couples?
5. Would you have considered marriage if existing immigration benefits did not depend on marital status?

Ongoing and Future Concerns








1. Tell me about any other concerns that the *United States v. Windsor* decision did not mitigate
2. What other apprehensions do you have regarding the social status of your relationship?
3. In your opinion, what is the future of marriage equality in the United States?

Appendix F: CODING PROCEDURES

Open Coding

Variable-Concept-Indicator Models

Variable ↓		
<i>Immigration Burden</i>		
Concept ↓	Concept ↓	Concept ↓
<i>Emergence of Bi-national Issue</i>	<i>Visa Denied</i>	<i>Out of Options</i>
Sample Indicators ↓	Sample Indicators ↓	Sample Indicators ↓
1. "Early 2000... that's when it really started to become an issue. And worse in 2001 you know when the visa waiver program was revoked..."	1. "...And she applied again and then she was rejected for that as well. And we are aware that it's because we were already married abroad, and they thought she would stay illegally."	1. "It got to the point that he knew that he was out of the terms of his visa. From the legal standpoint, what we could accomplish within the framework of our relationship; there wasn't anything else we could do."
2. "Well, you know, we really didn't think it was going to be an issue at the time, really, truly. But now we've found it a little bit different, and it is, it was more of a thing than we thought."	2. "...he applied for a tourist visa, I want to say, maybe four, maybe 5 times. He got rejected every single time."	2. "I could not come to the U.S., and she really didn't want to return to [redacted]. She returned to [redacted] because we did not have any other option. So we spent 6 months not knowing what was going to happen to our relationship."
3. "So we started discussing that I think sometime in 1997 because I was, uh, I was in danger of losing my financial scholarship, and so, we started discussing that, and that I might have to leave."	3. "You know, basically he was denied a tourist and a student visa, even though he was intending just to come for a visit and to study, and not because he was financially immigrating, but still that was impossible."	3. "...and then about 3 months later my wife lost her job, which meant that she lost her visa, which meant that we had very few options in terms of what we could do. And we were grasping at straws trying to keep her here as long as possible because I was not done with my degree, but I couldn't keep her here."

Variable		
		
Living Arrangements		
Concept	Concept	Concept
		
<i>Living abroad</i>	<i>Long distance</i>	<i>Undocumented</i>
Sample Indicators	Sample Indicators	Sample Indicators
		
<p>1. “Our goal at the time was to avoid the U.S. because there was no way I could stay in the U.S. because there were so many difficulties for me. (...)There was no status for me.</p>	<p>1. “...But I thought, no, I found it was actually really hard to have a life together and then go back to 2 separate lives where there’s 2 separate homes and 2 separate social circles, and 2 separate countries; I found that really hard, and I think she, too, that we had 2 completely separate lives.”</p>	<p>1. “At that point, we were so in love we just didn’t care. We would live illegally if that’s what it took, and probably she was in Florida with me for 2 years and that was, you know, not really legal. If you wanna get down to it, we’ve had to live illegally in each other’s countries.”</p>
<p>2. “She got a B visa just to kind of tide us over. And then, we basically arranged to spend the first six months of 2010 outside of the U.S.”</p>	<p>2. “I mean he eventually left and, uh, maybe it was 2005? And then he, uh, you know, we had to work to get him to come back which was a long process.”</p>	<p>2. “So I ended up going out of status because I wasn’t ready to give up our relationship, and uh we actually moved to a different state because he got assigned to a different state and I decided to move with him.”</p>
<p>3. “And I was only planning on being there, like I said, for 5 months and then it was a total of 4 1/2 years because we couldn’t legally go to the States, even though we tried twice and then once for Canada.”</p>	<p>3. “I came to meet him in Brazil and saw that we felt the same thing. So then, we continued dating long distance and I tried helping him come to the States, but that wasn’t possible.”</p>	<p>3. “We also considered also going undocumented; becoming illegal and just living here.”</p>

Appendix F.1 Axial Coding

Variable: Social Mobilization

6C's – Causes, contexts, contingencies, consequences, covariances, and conditions:

Question 1 – Cause: What causes bi-national engagement with social mobilization?

- Anger and frustration with unequal treatment, prejudice, and a sense of second-class citizenship

Question 2 – Context: What is the context that leads to social mobilization?

- Feeling comfortable in one's geographic location and support system. An awareness of personal privilege can also guide social engagement, while fear and anxiety about immigration statuses compelled many respondents to avoid active social mobilization.

Question 3 – Contingencies: What are some of the contingencies that influence social mobilization?

- Respondents who felt that they were out of options, or who had more financial resources were more willing to engage in social mobilization.

Question 4 – Consequences: What are the consequences of engaging in social mobilization?

- Social mobilization served as a coping mechanism

Question 5 – Covariance: What are the covarying variables associated with social mobilization

- Detailed knowledge about *U.S. v Windsor* and DOMA, Unequal Treatment, Prejudice, Privilege, online community, hopefulness, marriage equality

Question 6 – Conditions: What are the existing conditions for social mobilization?

- American citizenship was a main condition for active social mobilization.

Additional Questions:

Was social mobilization more important for the American citizen spouse?

- Not more important, but rather safer than for the foreign spouses.

Excerpts from Memos:

There appears to be a clear gap between social economic class, resourcefulness, and social mobilization. The higher the income, the higher was the number of responses regarding social mobilization. Social mobilization for the bi-national same-sex couples in my sample seems to represent privilege.

Two main things are emerging: One is the consequences of social inequality in accessing the immigration system, and the second is the fear and avoidance of social mobilization and advocacy. While some couples were not engaged by choice, many others were reluctant to become too involved for fear it could compromise their current or future legal status.

Social Mobilization tends to be passive and as a way to gather and share information. This is particularly apparent for the foreign-born spouses. Passive mobilization was a safe way to be engaged without compromising their immigration statuses.

While many couples perceived DOMA as a horrible thing, some couples could see how DOMA paved the way for marriage equality by providing the legal leverage for people to attempt to get legalization. DOMA served as a basis for the emergence of the marriage equality movement as a viable mobilization.

It is interesting how couples who were once socially engaged had to change their behaviors and level of involvement when immigration became a concern: two possible reasons: 1. Lack of time due to the stress of dealing with immigration issues. 2. The vulnerability of one's immigration status made it dangerous, or too risky, for spouses to remain socially engaged.

Variable: Knowledge

6C's – Causes, contexts, contingencies, consequences, covariances, and conditions:

Question 1 – Cause: What causes “knowledge”?

- Social economic status, previous social engagement and education levels, and ignorance of bystanders are all possible causes for knowledge.

Question 2 – Context: What is the context that leads to “knowledge”?

- Social economic status, previous social engagement, education level, the consequences of the immigration barriers and process create a context in which the amount of knowledge increases or that have allowed the respondent to seek more knowledge.

Question 3 – Contingencies: What are some of the contingencies that influence “knowledge”?

- Citizenship and education are very important in influencing knowledge.

Question 4 – Consequences: What are the consequences of having more or less knowledge?

- Respondents with more knowledge were more likely to be engaged in social mobilization. They were also more likely to be aware of a myriad of immigration options and other resources that could improve their situations. On the other hand, having less knowledge was also a coping mechanism to curb hopelessness.

Question 5 – Covariance: What are the co-varying variables associated with “knowledge”?

- Social economic status, social mobilization, unequal treatment, ignorance of bystanders, education, support system, online community, frustration, hopefulness, and the emergence of the bi-national issue.

Question 6 – Conditions: What are the existing conditions for “knowledge”?

- Access to the media, be it internet access, or time to follow current events. An interest in social justice issues and ability to understand the issues is also important. Finally, the relationship itself, being in a relationship in which the different nationalities becomes a barrier to the union is an essential condition for knowledge.

Excerpts from Memos:

Many respondents seem to have Broad knowledge about it. I am surprised so many people only had a general idea about DOMA and the *Windsor* case

For several participants, the amount of knowledge is related to the relationship. Some of the participants, both American and foreign-born, started to follow the mobilization for marriage equality and the legal case more closely after the relationship; after the bi-nationality became a barrier.

Variable: Unequal Treatment

6C's – Causes, contexts, contingencies, consequences, covariances, and conditions:

Question 1 – Cause: What causes of unequal treatment?

- Prejudice, social stratification, existing social structure, the social construction of marriage, etc.

Question 2 – Context: What is the context that leads to unequal treatment?

- The social construction of conventional marriage as the union between a man and a woman. The idea that conventional marriage is a superior and protected form of relationship, and that serves as the moral foundation of our society.

Question 3 – Contingencies: What are some of the contingencies that influence unequal treatment?

- Ignorance, privileged social position of outsiders, fear of change, the status quo

Question 4 – Consequences: What are the consequences of unequal treatment?

- In addition to the negative emotional consequences, unequal treatment contributes to financial difficulties, it threatens career and educational options, as well as the status of the relationship. Several respondents reported feeling like second-class citizens, and as if their lives and choices were under constant surveillance.

Question 5 – Covariance: What are the co-varying variables associated with unequal treatment?

- Prejudice, ignorance of bystanders, the meaning of marriage, financial burden, immigration burden coping strategies, immigration strategies, personal considerations, fear, anger, national belonging, frustration, stigma, hopelessness, and vulnerability.

Question 6 – Conditions: What are the existing conditions for unequal treatment?

- Laws written to protect conventional marriage as well as ignorance and prejudice are some of the conditions for unequal treatment.

Excerpts from Memos:

Respondents discussed what it feels like having one's life depend on politics and on the personal beliefs of a group of people who are very different from you. It must feel like you are trapped as if your life does not matter as much as other lives – in other words, like being a second-class citizen.

While most couples stated that they did not experience many adverse reactions, there were many instances of negative consequences at the personal level such as stress, depression, insomnia, etc. that could also qualify as adverse reactions.

Variable: Prejudice

6C's – Causes, contexts, contingencies, consequences, covariances, and conditions:

Question 1 – Cause: What causes prejudice?

- Religion, fear, education levels, as well as ignorance, are some of the possible causes of prejudice. Ignorance here would encompass several areas such as ignorance about the consequences of prejudice as well as the lack of contact with same-sex couples.

Question 2 – Context: What is the context that leads to prejudice?

- I think this would be similar to unequal treatment, in which the rhetoric around conventional marriage provides the social context in which prejudice can flourish. Religious beliefs are also another important element, although religion was not a part of the investigation, and I can only infer from existing research.

Question 3 – Contingencies: What are some of the contingencies that influence prejudice?

- Lack of contact,

Question 4 – Consequences: What are the consequences of prejudice?

- Here again, the consequences of prejudice are similar to unequal treatment. There are/could be both emotional and physical consequences, as well as a strain on finances and personal challenges such as career, educational, and even relationship choices.

Question 5 – Covariance: What are the co-varying variables associated with prejudice?

- Unequal treatment, ignorance of bystanders, the meaning of marriage, financial burden, immigration burden, coping strategies, immigration strategies, personal considerations, fear, anger, national belonging, frustration, stigma, hopelessness, and vulnerability.

Question 6 – Conditions: What are the existing conditions for prejudice?

- Laws written to protect conventional marriage as well as ignorance and unequal treatment are some of the conditions for unequal treatment

Additional Questions:

- How does the social economic status of my sample influence experiences with prejudice?
- Should “unequal treatment” and “prejudice” be merged into one variable?

Excerpts from Memos:

While most couples did not experience direct prejudice, it does not mean they did not face adverse consequences of their relationship status. In effect, many participants experience depression and the situation took a toll on their mental and physical health.

Relocation decision could be based on a reaction to possible prejudice. Even when respondents did not experience individual discrimination, the possibility of adverse reactions, and in addition to the immigration and financial barriers, could limit their living options.

Adverse reaction seems to be more related to geography than to other reasons. People who live in areas that are more progressive are able to surround themselves with like-minded people and live in a community of care that shelters them from obvious prejudice. I believe it has to do with privilege.

While prejudice and unequal treatment are very similar, and I could, potentially, merge them into one variable. However, respondents discussed prejudice as a distinct issue. For instance, when they discussed the future of marriage equality, it was clear for the participants that even with marriage equality and equal treatment, prejudice would remain.

Variable: Financial Burden

6C's – Causes, contexts, contingencies, consequences, covariances, and conditions:

Question 1 – Cause: What causes financial burden?

- Immigration regulations are the main source of financial burden. Immigration regulations meant employment restrictions, influenced relocation choices, and living arrangements, and the cost of the immigration process was also a burden for some of the respondents.

Question 2 – Context: What is the context that leads to financial burden?

- Draconian immigration laws and regulations that lead to costly personal choices.

Question 3 – Contingencies: What are some of the contingencies that influence financial burden?

- The respondents' social economic status, education, and citizenship influence the impact of financial burden. Additionally, having a strong support system able to provide financial support could alleviate some of the respondents' most immediate concerns.

Question 4 – Consequences: What are the consequences of financial burden?

- Financial burden had many consequences such as the postponement of education and career opportunities, inadequate living arrangements, negative health consequences, and separation from spouse and/or extended family

Question 5 – Covariance: What are the co-varying variables associated with financial burden?

- Immigration burden, difficult life abroad, career, education, living arrangements, living abroad, undocumented, long-distance relationship, fear, anger, hopelessness, and vulnerability.

Question 6 – Conditions: What are the existing conditions for financial burden?

- The bi-national relationship itself is an existing condition. Social economic status, education, and immigration rules, and the financial crisis in the U.S. are also existing conditions.

Additional Questions:

- Did the Supreme Court decision mitigate the financial burden some of the respondent's experience?
- What were some of the strategies the spouses employed to overcome financial burden?

Excerpts from Memos:

It appears to me that most couples went to great lengths to avoid being out of status or undocumented. That was a lot of work done and money spent in an attempt to remain legal/documented wherever they chose to live.

Being together required an enormous amount of planning and logistics such as having multiple residences, communication costs, the possibility of having to pay more than one tax, constant travel, and long separations.

All strategies and plan included costs be it financial or personal – these were not light decisions for the couples in this study. Most of their options and strategies were far from ideal or wanted.

Variable: Immigration Burden

6C's – Causes, contexts, contingencies, consequences, covariances, and conditions:

Question 1 – Cause: What causes immigration burden?

- Immigration laws and related costs that lead to limited options for couples who sought to live in the United States.

Question 2 – Context: What is the context that leads to immigration burden?

- Being unable to apply or change one's immigration status in order to live in the same place as one's spouse – the idea that one's immigration options are limited due to the social meaning of marriage.

Question 3 – Contingencies: What are some of the contingencies that influence immigration burden?

- Some spouses were able to overcome immigration barriers through their economic and educational resources. Certain citizenships also allowed couples alternatives in terms of where to live.

Question 4 – Consequences: What are the consequences of immigration burden?

- Couples had to face several consequences such as separation, financial troubles, emotional and psychological concerns, and difficult personal choices. Nevertheless, there were also positive consequences, such as enhancing the couple's commitment and sense of togetherness.

Question 5 – Covariance: What are the co-varying variables associated with immigration burden?

- Unequal treatment, ignorance of bystanders, financial burden, personal considerations, long-distance relationships, fear, anger, frustration and stress, stigma, hopelessness, vulnerability, ignorance of bystanders.

Question 6 – Conditions: What are the existing conditions for immigration burden?

- The social meaning of marriage, immigration laws that supported conventional marriage, and prejudice for both undocumented and same-sex couples were some of the existing conditions.

Additional Questions:

- How much did the respondents know about the immigration laws and processes before the emergence of the bi-national issue?
- Were there any positive outcomes of dealing with the immigration concerns?
- How did immigration concerns influence feelings of national belonging?

Excerpts from Memos:

Foreign Nationals often must educate U.S. citizens who do not understand the consequences and difficulties of the immigration system. For U.S. citizens, who are unfamiliar with the system, it tends to be about documented versus undocumented immigration, where undocumented immigrations tend to have most of the focus even though I believe there are more documented than undocumented immigrants.

According to several participants, there was an assumption that the immigration barrier was insurmountable, and that it would be easier or inevitable for the couple to separate. My sense is that heterosexuals just did not see their relationships as real enough, or strong enough to be worth fighting. Their relationship does not have the same weight or the same importance as heterosexual relationships and would inevitably fall apart when faced with such a threat.

Although there were many negative consequences, the frustrations and heartache of navigating the immigration system served to solidify the relationship of these couples.

Variable: Personal Considerations

6C's – Causes, contexts, contingencies, consequences, covariances, and conditions:

Question 1 – Cause: What causes personal considerations?

- The dilemma of possible separation and limited options imposed by immigration laws and processes.

Question 2 – Context: What is the context that leads to personal considerations?

- Couples facing possible separation, having to consider long-distance relationships, or relocating abroad had to consider how these choices would affect their personal lives (education, career, family, opportunities, etc.)

Question 3 – Contingencies: What are some of the contingencies (intervening conditions) that influence personal considerations?

- Having options even if not ideal options is one of the contingencies. Another contingency was the respondent's social support system that could potentially provide non-immigration related alternatives.

Question 4 – Consequences: What are the consequences of personal considerations?

- Couples had to make difficult and oftentimes detrimental decisions regarding their careers, education, long-term financial stability, and their immediate families.

Question 5 – Covariance: What are the co-varying variables associated with personal considerations?

- Difficult life abroad, career, education, living arrangements, fear, anger, frustration, stigma, hopelessness, vulnerability

Question 6 – Conditions: What are the existing conditions for personal considerations?

- The bi-national relationship and the immigration laws and restrictions were existing conditions

Variable: Strategies

6C's – Causes, contexts, contingencies, consequences, covariances, and conditions:

Question 1 – Cause: What causes strategies?

- Immigration laws and restrictions coupled with a lack of viable options and/or financial resources.

Question 2 – Context: What is the context that leads to strategies?

- A social context in which there were few options for couples to remain together - legally -, and a the habitualization of conventional marriage as the only sanctioned and socially validated relationship

Question 3 – Contingencies: What are some of the contingencies (intervening conditions) that influence strategies?

- Available options and resources to apply them were some of the intervening conditions to strategies.

Question 4 – Consequences: What are the consequences of strategies?

- Immigration setbacks, such as having visas denied, career and education consequences, family related consequences, forced separation, financial consequences, as well as emotional and psychological consequences such as depression.
- If strategies were successful, there was a great sense of relief and a further strengthening of couples' commitment and sense of hopefulness.

Question 5 – Covariance: What are the co-varying variables associated with strategies

- Career, education, difficult life abroad, visa denied, marriage decision, living arrangements, law-abiding, hopelessness, fear, frustration, anger, but also relief, commitment, and hopefulness.

Question 6 – Conditions: What are the existing conditions for strategies?

- The immigration laws and processes that provided few to no options – strategies were devised and implemented in response to immigration and financial burdens.

Additional Questions:

- How did couples investigate possible strategies?

Excerpts from Memos:

After the Supreme Court decision, marriage became the only viable legal option for couples who intended to establish residency in the United States. For this reason, the decision to marry, when applicable, was the means to an end. I am not attempting to imply that it was a fraudulent decision, but rather that many couples would not have married so soon if other immigration options were available to them.

I feel comfortable in stating that couples who were residing in the U.S. had to step away from their comfort zone in order to devise strategies to maintain their legal status. Abiding by the law

was important for the couples and very few chose to remain in the U.S. undocumented. I believe this is because the ultimate goal for many of them was to eventually move into the U.S., and being undocumented could ultimately compromise their chances. The bi-national couples had to be very strategic and consider all of their choices.

Variable: Outcomes

6C's – Causes, contexts, contingencies, consequences, covariances, and conditions:

Question 1 – Cause: What causes outcomes?

- Immigration limitations and selected strategies to deal with these limitations cause outcomes.

Question 2 – Context: What is the context that leads to outcomes?

- Attempting to use/apply strategies that may have little to no success – attempting to navigate immigration regulations with the possibility of hostile gatekeepers, as well as dealing with the feelings of anticipation and anxiety caused by uncertainty and lack of control regarding one's future.

Question 3 – Contingencies: What are some of the contingencies that influence outcomes?

- The couple's resources are intervening conditions that influence outcomes. Having available and realistic options as alternatives influence the type of outcomes the couples experienced and how they responded to them.

Question 4 – Consequences: What are the consequences of outcomes?

- Outcomes are the consequences and can be either positive or negative. The consequences encompassed emotional, social, and the professional/educational lives of the respondents.

Question 5 – Covariance: What are the co-varying variables associated with outcomes?

- Elation, relief, hopefulness, commitment, fear, national belonging, frustration, stress, stigma, hopelessness, and vulnerability, social mobilization

Question 6 – Conditions: What are the existing conditions for outcomes?

- The personal ways in which the participants responded to their options or lack thereof provided the conditions for the outcomes.

Additional Questions:

Did the fear of the consequences influence the social mobilization decisions?

Excerpts from Memos:

Fear of possible negative outcomes was one reason to avoid social mobilization. Being afraid of the consequences, and knowing that your relationship, being together depends on immigration. They were at the mercy of immigration officers. In other words, social mobilization depends on some level of privilege and a state in which one's future is not at stake. It requires that one move beyond their own personal vulnerability to accept the consequences of their actions. In the case of bi-national couples, the consequences, separation, was often too much to bear.

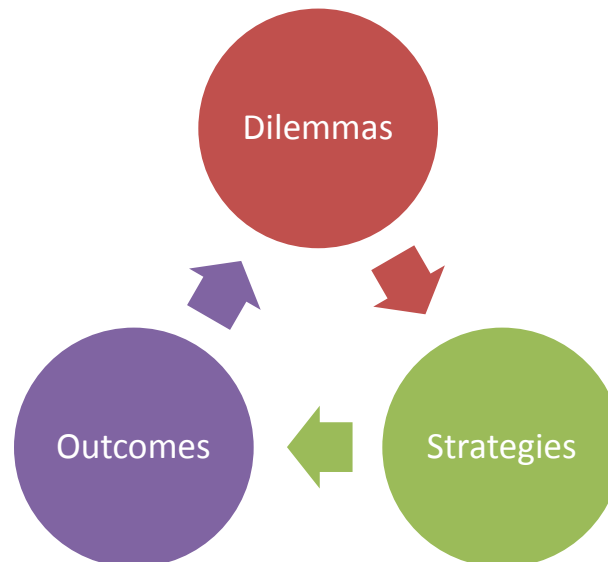
Couples had to consider the consequences carefully. Their relationships were not without struggles and making difficult choices that had far-reaching consequences.

Many of the decisions these couples took are very rational and well thought out. They strategized and took into consideration the consequences of their decisions. That's why following the law was so important for them – it could determine their future, and their ability to stay together. For this reason, there was a clear effort to minimize decisions that could jeopardize their ability to stay together. In this sense, open social mobilization becomes a privilege that most of these couples did not have. Least they undermine their chances of staying together.

Appendix F.2 Selective Coding

Core Variable: Dilemmas and Threats to the Relationship (397 indicators in the data)

Dilemmas and threats is a central variable because it guides all the decisions made by the respondents. Strategies are responses to the dilemmas and threats, which in turn have certain outcomes. While “dilemmas and threats” is the guiding variable, it interacts with the other, two core variables: strategies and outcomes, in a circular manner. For instance, a spouse inability to attain a visa to enter the United States (dilemma and threat), may consider entering and remain in the country while undocumented (strategy). This strategy may have positive or negative outcomes (e.g. success or failure gaining entry), which may in turn lead to further dilemmas and threats and new strategies. Dilemmas and Threats is an essential variable because it becomes the main concern and obstacle to be overcome, even if temporarily and that ultimately defined and strengthened the relationship. In addition to data saturation, dilemmas and threats is a variable because it presents dimension



As a variable, “dilemmas and threats” is represented in many areas of participants’ lives and it can be explained in terms of immigration burden, financial burden, and personal considerations. Thus, it does not only represent immigration concerns, but rather subcategories that encompasses all aspects of the couple’s lives such as their future education and career aspirations, the impact on their families, and facing the type of decisions that can lead to separation or the end of a relationship

Chapter # 5 will focus on introducing dilemmas and threats and describing how three highly saturated subcategories (immigration burden, financial burden, and personal consideration) faced by the respondents and how these issues fomented the need for strategies to achieve their ultimate goal, which was the freedom to live together as a couple. In order to write the narrative, I shall consider the following areas:

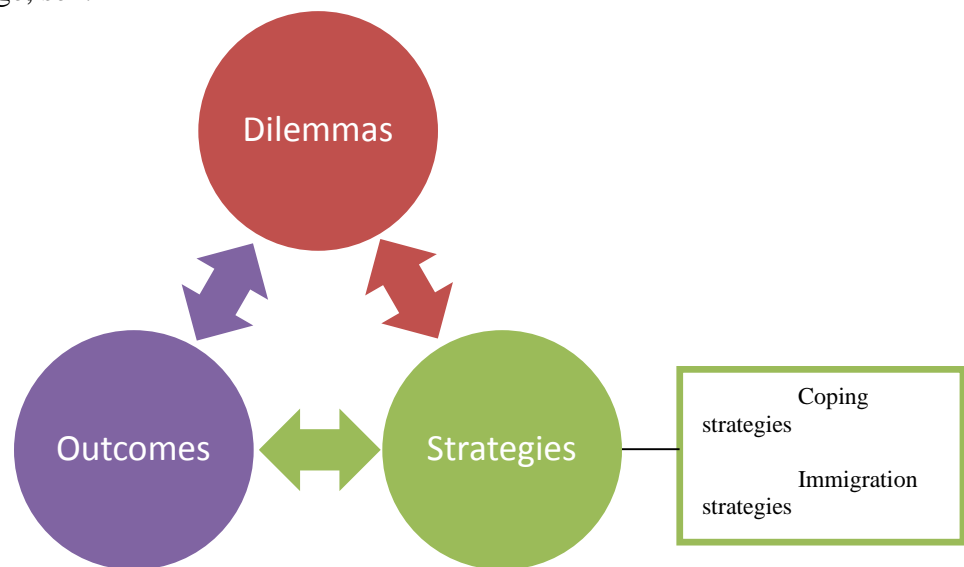
- The impact of income on financial and immigration options

- The process in which couples navigated the dilemmas and threats (e.g. Individual planning vs. collaboration)
- The response of personal community and contacts to dilemmas and threats.

**Core Variable: Strategies to Overcome Dilemmas and Threats
(401 indicators in data)**

Strategies are the responses to the dilemmas and threats couples faced and could be either direct or indirect indicating the presence of dimension to the variable. Direct strategies were actions directed at overcoming immigration limitations in order remain together or expand living arrangements that were amenable for both spouses. Indirect strategies aimed to serve to assuage the spouses' sense of hopelessness or being out of options.

Chapter 6 will center on identifying saturated strategies both indirect and direct. I will discuss the decision process to engage in a particular strategy, as well as what the couple aimed to achieve, and their expectations. Some of the additional variables and considerations that will guide the narrative are income, age, sex.



Core Variable: Outcomes (548 indicators in the data)

Outcomes are the consequences of the strategies put in place by the couple. Some outcomes are also a direct result of the dilemmas encountered when no strategy or only indirect strategies were viable options. Outcomes could be positive or negative and encompassed a myriad of emotional responses and states, as well as leading to the ultimate goal, which was to remain together within the boundaries of the law. Outcomes is a highly saturated variable than when taken in its totality (positive and negative) has 548 indicators in the data.

Chapter 7 will focus on the outcomes for the spouses and how these outcomes have influenced their relationships and outlook towards the future of LGBT rights. In this chapter, I will also consider new dilemmas and secondary strategies that emerged as consequences of outcomes.

